

# The Nation.

NEW YORK, THURSDAY, FEBRUARY 22, 1872.

## The Week.

THE House of Representatives has, during the week, voted the repeal of the duty on tea, but has refused to repeal the duty on salt and coal—in other words, done what it ought not to have done, and left undone what it ought to have done, and what it undertook to do last session. The Committee of Ways and Means is rather indignant at having the work of reforming the tariff taken out of its hands in this way, but nobody thanks it, for there is not much disposition to venture on any general measure. The tea duty is taken off because it tickles the popular fancy, although it is valuable to the revenue, and the salt and coal duty is left on because the high-tariff men look upon it as the outworks of their system. The House Committee has agreed to report a civil-service reform bill, making it a misdemeanor for a member of Congress to recommend persons for office unless he is asked for his opinion. Is there not some danger that this may be so evaded as to increase the labors of the Departments—that is, that members of Congress will treat a failure to ask their opinions as offensive and a ground of quarrel with the Administration? There is great curiosity over the forthcoming appointment to the Philadelphia collectorship. Under the reform in the civil service, the vacancy ought to be filled by promotion, but the Pennsylvania politicians laugh consummately over this idea, and say the rules will be "suspended" in order to put in "the right man," as they were suspended in the case of McClellan, the Troy collector. He found himself "decapitated" without cause assigned, and, claiming the benefit of them, learned that they had been "suspended" in order to get him out. This reminds one of Judge Hogeboom's ruling about "momentary insanity" in the Cole case. He held that a man might be sane up to the moment in which he fired a shot at an enemy, during which he might be insane, and then become sane again as soon as the ball had struck. So the civil-service rules may work beautifully up to the moment that somebody is going to be turned out; then they stop for a few moments till he is gone, and then resume their faultless movements once more. Leet still retains his place, as "improper" and "indelicate" as ever.

The sale-of-arms controversy, as some call it, or the "Schurz-Sumner trick," as it is probably called by others, has made considerable progress since last week. There appears no doubt that the discrepancy between the amount acknowledged by the War Department and that acknowledged by the Treasury can be explained by some difference in the mode of keeping their accounts, but the fate of \$4,000,000 which the French paid and the Treasury never received, remains to be discovered, and on this no light has as yet been thrown. There are two reasons for looking sharply into the matter; one is the natural curiosity which every citizen feels in these times to know what has become of so large a sum of money, and the other a proper desire to know whether it in any way accounted for the "influence" of which Squires boasted in his letter to the President of the Armament Committee, and which enabled him, he said, not only to purchase the arms, but to get the cartridges made for them. Mr. Schurz, in a masterly speech on Tuesday, rendered an escape from investigation impossible.

The weakest point in the affair of the arms is the disregard of the law displayed in the sale of rifles, and above all in the manufacture of cartridges. The resolution under which the sale was made authorized the sale simply of "old cannon, arms, and other ordnance stores now in possession of the War Department, which are damaged or otherwise unsuitable for the United States military service or for the militia service of the United States." The rifles sold, however, were not damaged or unsuitable. They were good Spring

field breech-loaders, many of them altered, but as good an arm as the needle-gun. For the manufacture of cartridges for them, there was not a shadow of authority of any kind.

A kind of compromise has been reached in the matter of international copyright between the Copyright Association and the friends of Mr. Appleton's measure, by which the bill of the former, offering copyright to foreigners on terms of reciprocity, is saddled with the condition that the book must be produced by an American publisher. It is hardly worth while to enumerate in detail the various objections to this. Our own recent suggestion, which, however, we did not originate, that anybody should be at liberty to reproduce the works of a foreign author on paying him a percentage on sales, is pronounced by the *Times* "obviously absurd," on the ground that "the principle on which it is based" would, if carried out, make it also obligatory on anybody who borrowed a book or newspaper instead of buying it, and derived "benefit" from its perusal, to pay something to the author or publisher. "The principle" on which our suggestion was based—and we offered it not as the best thing possible, but as something worth consideration—is the principle of all copyright, viz., that anybody who takes the product of an author's brain, and makes it an article of trade for his own profit, should be compelled to pay the author. To anybody who sees in this an argument for making anybody who borrows a book for his own perusal also remunerate the author, we can think of no better reply than that made by the expressman to the Widow Bagley in Mark Twain's story, "Have it your own way; it ain't for me to contradict." The *Evening Post* pronounces the plan unconstitutional, because it would, in reality, be the imposition of "a tax" on a particular class for the benefit of an individual, and that individual a foreigner. This deserves consideration, but we can hardly undertake to discuss it in a paragraph. But we may say, *en passant*, that if literary property be property at common law, like any other property, the unconstitutionality is difficult to see. On the same principle, does not the State, by making everybody who gets dry goods at A. T. Stewart's pay him for them, impose "a tax" on a large body of persons for Stewart's benefit? Ought Stewart to be exposed to indiscriminate pillage in order to avoid odious distinctions?

The Congressional Committee appointed to enquire into the condition of the States lately in rebellion detailed sub-committees to each State, and the reports of all have now been presented. The report of the General Committee finds that the Ku-klux organization originated in 1866, and confirms most of the charges brought against it, with which the public is already familiar. As regards the condition of the negroes, it says their relations with their former masters seem to be those of confidence in all other matters than politics. The refusal of their masters to co-operate with them naturally threw them into the hands of adventurers. Many of them were elected to offices the duties of which they were, through ignorance and inexperience, totally unfit to discharge. "In legislative bodies, this mixture of ignorant but honest men," says the report, "with better educated knaves gave opportunity for corruption, and this opportunity has developed a state of demoralization on this subject which may and does account for many of the wrongs of which the people justly complain; and the demoralization is not confined to one race, nativity, or political creed." In short, the report gives a most deplorable picture of the condition of the South. One amusing and yet melancholy proof of the utter destruction of public spirit among the old planting class is afforded by some of the evidence given by members of this class before the Committee. General M. C. Butler, one of the leading men of the old aristocracy of South Carolina, and the independent candidate for lieutenant-governor in 1870, testified that "if he had land to sell, and could sell it by buying a State senator for \$500, he would do so." Dr. R. M. Smith, another gentleman of the same

class, and a Democratic member of the Legislature to boot, declared that he "could see no wrong in bribing a public officer, and compared the transaction to the purchase of a mule." The fact is that the contempt of these men for the now governing class, which was great enough at the outset to make good government very difficult, has been intensified by the ignorance and corruptibility of the negroes and carpet-baggers; and they protect themselves against their excesses in the usual way of rich men—by buying them up. It will probably be a long while before anything like healthy political life will be witnessed in the majority of the Southern States.

One sub-committee devoted its attention to the condition of Southern finances, and its report, as might be expected, is the sorriest of all, and, as might be expected also, South Carolina makes the worst figure of all the States. Governor Scott answered promptly and cheerfully the enquiries addressed to him regarding the State debt; but as his accounts of it were varied and contradictory, the committee pronounce them unworthy of attention. Our old friend, Niles G. Parker, the State Treasurer, being 'enter than Mr. Scott,' "kept dark," as the sporting men say, and took no notice of the investigators. Governor Bullock, of Georgia, was very high and mighty, and refused to answer in the interest of "State rights," and the impeccable Reed of Florida, now under impeachment, took the same ground. The committee makes some curious but necessarily loose calculations as to the loss sustained by the South during and in consequence of the war, and calculates that it came out of the struggle in 1865 with a burden, including Confederate debts, State debts, commercial debts to people at the North, and other liabilities of all sorts, amounting in round numbers to \$3,000,000,000. The report somewhat comically gives the amount with the greatest nicety, not in dollars only but in odd cents—its figures being \$2,976,145,955 90. It calculates the amount devoted by the North to purposes of Southern relief in 1865 at \$13,000,000.

But if nearly everything that the committee has to say about the immediate past of the South is sufficiently discouraging, there is at all events some cause for satisfaction visible in the immediate future. Mr. Edmunds, of Vermont, may continue to wait for "authentic information" that some of the Southern State governments have been corrupt and rather expensive; but except him and a few other innocent people, there is nobody at the North who does not now admit that the Republican party of the North, as soon as General Grant has secured the delegations to the Republican Convention, or at all events directly after the Presidential election, however that may turn out, will have to drop all responsibility for the Republican party as at present organized in the South, and that will be half the battle that must be fought before the Southern State governments get back to common decency. Holden, of North Carolina (impeached and removed from office for robbery); Bullock, of Georgia ("wanted"); Scott, of South Carolina (one of "the forty thieves" of the State); Clayton, of Arkansas; Warmoth, of Louisiana (at the head of a State Government that, like North Carolina, South Carolina, and Florida, doubtless must repudiate); Reed, of Florida (now on trial for stealing railroad bonds), have at last proved too much for the Republican stomach, and have finally disposed of the "loyal" form of government and probably of carpet-baggism. It was sure to come, because ignorant thieves can seldom rule impoverished American communities for many years together, but it is proper to rejoice when at last it has come, and the sight of Reed on his trial is a great reason for hope and encouragement.

It is a cause for peculiar as well as great satisfaction that Governor Reed is at last brought to book, for he is quintessential carpet-baggism—the thing itself. A broken-down politician, he was given an office under the Treasury Department for the apparent reason that he had a relation who had been among the earliest of Northern judges to declare the fugitive slave law unconstitutional "in his State," which had a "Personal Liberty Act." The office took him to Florida, where, being attached to the commission for the sale of

lands for non-payment of direct taxes, he had an opportunity to begin the sort of operations which have brought him where he now is, and which may perhaps, with the blessing of heaven, take him a little further in the same general direction. In other Southern States, the carpet-bagger who wished to control the State had to have some strength of some sort; but in poor Florida, out of the stream of modern life, peopled by an apathetic, ignorant population, a man like Reed, destitute of sense, courage, and knowledge, had only to be loyal and make promises to the negroes, and be in possession of an office, military or civil, under the Federal Government, in order to capture an entire community, and, as the late Fisk phrased it, proceed to exercise his talent for "rescuing other people's property." This one talent Reed had, but not, it appears, in sufficient measure, and his own Legislature has unanimously impeached him. And by the way, in view of his career and present position, which is symptomatic of that of the party in the Southern States, what should be the weight of "regular" Republican delegations in the approaching Convention?

The Terwilliger affair has ended in Terwilliger's resignation before the Senate Committee appointed to enquire into his doings had made its report. He did not acknowledge that he had done anything wrong, but said that the "unusual sensitiveness of the public" about the kind of thing he had been doing made it advisable for him to retire. What he had been doing, according to the report of the committee, was taking twenty per cent. on the bills of the State printer from November 15, 1869, to August 1, 1870, amounting in all to \$4,638 05. His defence was that he received this money under a usage which had prevailed for several years; but it appeared in the evidence that it had only prevailed for ten years, or, in other words, during the period in which Mr. Terwilliger has himself been clerk of the Senate, namely, from 1860 to 1869, so that he originated the "usage" himself. Of this usage the committee say very properly "that the practice of receiving a per-centum by the Clerk of the Senate on printing done for the State is highly reprehensible, as being pernicious in its tendencies, wrong upon principle, and manifestly against public policy." Of course it is. It is precisely the same in principle as the usage under which for many years back nobody having a bill against this city could get payment without submitting to a heavy discount for the benefit of the officials through whose hands it passed; in other words, it is the practice on which Tweed and his brother thieves grew rich, and which finally grew into the practice of presenting large bills against the city which were wholly fraudulent.

Turning to the Administration organ, the *Times*, to see what it thinks of the affair, we find "that it affords it no pleasure to see a gentleman of excellent character, of good abilities, and hitherto much esteemed by a large circle of friends, compromised in any way, but especially in such a way as this. The sum paid to Mr. Terwilliger, a little over \$2,000 a year, is contemptible; it would not corrupt a door-keeper. Mr. Terwilliger was told that it was part of the just perquisites of his office. . . . Mr. Terwilliger would have been thought very eccentric had he refused to take it. But for all that, the custom is a vile one," etc., etc. There, you see, there is nothing in the matter at all. Here was an innocent who had been "inside polities" a great many years, taken up to Albany, made Clerk of the Senate, and told by some bad men that he ought to levy twenty per cent. on the bills of the State printer, and that it would look queer if he did not. So to avoid an appearance of oddity, he did so, but, bless you, it was hardly worth his notice. The next year this cherub was down in New York acting as Tom Murphy's confidential "deputy," and helping him to "control primaries," but ill-luck taking him back to his old post, the malignants attacked him, and he had to resign to save trouble to the Senate.

Dr. Woolsey has written an article in the *Independent* on the Treaty difficulty in which he comes to the conclusion: that there is little as yet that is definite to guide us with regard to the impressions of the British members of the High Commission;

but that, judging from the protocol, "there was no obligation in honor laid on our Government to make no mention of indirect losses in the case." On the other hand, looking at the provisions of the Treaty, and particularly those which define the mode of assessing the damages, he finds the balance of probability on the side of the British view. He asks, "What part in the prolongation of the war, or in the transfer of the American commercial marine to the British flag, and in the enhanced payment of insurance, can be assigned to each vessel? Would it not need something," he says, "beyond any guesses of lawyers, beyond any differential calculus, to determine this?" He expresses, in conclusion, the hope "that an end is to come to these claims [for indirect losses] now; if not, an end is likely to come to the faith in international arbitration which has gladdened the hearts of so many." Judge Nott's criticism, on another page, is worthy of attention.

We must remind Dr. Woolsey, as regards the English understanding of the Treaty, that Earl Granville, the Foreign Secretary, and Lord De Grey, in explaining and defending it before the House of Lords, June 12, 1871, immediately after its conclusion, stated that the present Treaty had over the Clarendon-Johnson Treaty the great advantage that under it the claims for indirect damages "entirely disappear," owing to its "more limited reference." Sir Stafford Northcote, who was one of the High Commission, made a similar statement in the House of Commons. These declarations elicited no protest or correction from this side of the water, either official or unofficial, and they prove beyond question, it seems to us, what the understanding of the British Commissioners was. Whether this understanding, or misunderstanding, was justified by the protocol or Treaty is another matter, on which there is, and will always be, considerable difference of opinion, not only between Americans and Englishmen, but among Americans and Englishmen. That it exists makes one thing certain, and that is, that the negotiations were greatly mismanaged, on the English side, in not expressly excluding these claims; on the American side, in not expressly including them—or, in other words, in leaving any room for doubt in the minds of reasonable men that it was the intention as well as the right of the United States to bring them up before the arbitrators; for this is one of those cases in which to doubt is literally to be damned. If it were a common lawsuit before an ordinary court, it might make no difference, but it is not a common lawsuit before an ordinary court. As we pointed out last week, neither party can be dragged before the arbitrators. He must, if the arbitration is to be of any value or weight, go voluntarily, and he must go on issues which he fully understands and has agreed to submit, and on which he is willing to abide by the decision of the tribunal. The arbitrators cannot give judgment by default and issue execution. The whole proceeding is, in short, a moral proceeding, to the validity of which clear comprehension and undoubted consensus on both sides are necessary at every step. If these do not exist, there is no use in wrangling over the wording of the Treaty. There is only one thing to be done, and that is, go to work again over the claim for "indirect damages," and see if a satisfactory arrangement can be made. If it cannot, then there remains the usual resort—to kill and mutilate a large body of Americans and Englishmen—count the corpses, bury them in shallow graves, in their bloody clothing, and crow over the number of them; burn and waste a great amount of property, and squirt a great quantity of abuse at each other through the newspapers. After about two years of this we should probably have a treaty in which the "consequential damages" would never be mentioned, and after which they would never trouble anybody any more.

The view that there has been shocking blundering on the part of their own negotiators is the one which is now uppermost in the English mind, and the press has abandoned the task of berating the Americans for that of berating the Ministry, which is certainly in a wretched "fix," whatever view one takes of the matter. If the Treaty does not stand, they are face to face with the *Alabama* difficulty

in a more unpromising, if not in a more serious form, while to go before the arbitrators to defend themselves against such claims as are laid down in the American Case is more than they dare attempt. Mr. Tom Hughes has in the meantime written a letter to the *Tribune*, which has rather injured than helped the English side of the controversy—if for no other reason, through its outspoken expression of want of confidence in the arbitrators, on the strange ground, among others, that one is an ardent Republican and some do not speak English, as if we had the advantage on either of these points. There are only two defences of the English position that are worth mention. One is that the Treaty is ambiguous in its terms, and that the American interpretation of it is a surprise; the other, that England cannot honestly submit to the arbitrators a point on which she would not obey the award if it went against her.

M. Thiers had no sooner got over his quarrel with the Assembly about taxing raw materials, than he fell into fresh trouble over the navigation laws as M. Pouyer-Quertier proposes to amend them, for the benefit not less of the shipping interest than of the military marine. Foreign ships coming from any port of the Mediterranean are to pay seven francs and a half per ton; those coming from non-European countries on this side of the Cape of Good Hope, fifteen francs; from beyond the Cape, twenty francs differential duty. The measure had no sooner been proposed, however, than the Government found itself plunged in the difficulties of which Mr. Schenck used to have such a dismal experience, in the old days when he was every month piling on the duties. In the first place, Austrian ships are exempt from this duty, under a treaty concluded with her in 1866, and which does not expire till 1873, and eight other nations share the same privilege under the favored nation clause in other treaties. So that, for one year at least, the tax would not reach the shipping of the principal maritime powers of Europe. Then, as usual, up jumped various French "interests," and demanded exemption each for itself. The deputy from Martinique demanded exemption for French colonial produce, on the ground that the people of Martinique ought not to be put on the same footing as Englishmen and Belgians, and got it. Then the agricultural interest demanded exemption for all ships carrying guano, and got it; and then the manufacturing interest demanded exemption for ships importing corn, and got it, at least for all times of scarcity; so there is little left of the navigation laws. The Assembly agreed to everything joyously, knowing as little of political economy as M. Thiers himself.

The only interference of Government with the Pope's appointment of bishops in Italy, under the settlement effected last year, is in requiring them to present their credentials for verification. The Roman Curia, being resolved to resist to the last the *modus vivendi* proffered it, has forbid the new bishops to go through this form, and the consequence is that they are thrown into embarrassments from which they have been obliged to appeal to the Pope for relief. Without the required concession to the Government they are in danger of being cut off from the enjoyment of their benefices, and this being clear enough and not to be blinked, Cardinal Antonelli at first promised to send a certified copy of the Papal bull in each case, which might be submitted to the authorities, but was informed that this would not be received, when he fell back on his absolute refusal to allow the originals to be presented. The threatened deposition of the bishops thus thrust forward into martyrdom still weighed upon the Papal conscience, or was steadily kept before the Pope's view, with the result of drawing from him an appropriation of \$8,000 a month in aid of such bishops as should be deprived of their revenues, though it was admitted that the sum was not adequate to their necessities. However, it was the best that the Papal Treasury could provide, and even this subsidy would last but a year and a half, at the end of which time, if the condition of the Church had not improved, they must look to Providence for support. With these childish manifestations of temper and obstinacy, the Pope and his counsellors make a pretence of warding off the inevitable.

## LAWLESSNESS IN HIGH PLACES.

THE Washington correspondent of the *Tribune* remarks, commenting on the French arms affair, that "it is said by independent Republicans and Democrats that there has been all through this Administration a growing tendency to disregard law, and conduct the affairs of the Government independently of its restraints." If the independent Republicans and Democrats say this, they say something which, if not wholly true, has a great deal of truth in it. It may be that there has not been on the part of the Administration a *growing* tendency to disregard the law, but there has certainly been a steady tendency. The Government at Washington came out of the war with habits of lawlessness contracted, and perhaps unavoidably contracted, during the war. Four years of "military necessity" and suspended habeas corpus and steady denunciation of the courts for real or suspected interference with military operations, no matter how necessary they may be for the successful conduct of those operations and the salvation of the country, play sad havoc both with popular and official respect for that old-fashioned barrier against "short cuts"—the law of the land. There is no use in crying over this. It forms one of the objections to going to war, but it forms also one of the inevitable sequelae of war. It furnishes a reason for dreading and refraining from war as long as possible, but it does not, any more than the loss of life or destruction of property, furnish a reason for not going to war at all under any circumstances, as some Democrats seem to think. But it is the duty of all good citizens when war is over to do what they can to bring officials back to the ancient ways, and revive in everybody's mind as fast as possible that reverence for legal enactments and judicial decisions without which no political system ever has lasted or ever can last long.

It was the duty of the Republican party, as the party in power and the party which carried on the war, to have addressed itself to this business with even more zeal than to the business of paying off the national debt. It is hard for a candid man to say that it did so. On the contrary, it is very difficult to deny that it encouraged the Administration to persist in its lawless military way of looking at its duties. The Impeachment trial, a strictly legal proceeding, was conducted as if such a thing as law was unknown, and as if no man need look any further than his own breast for rules of conduct in any exigency of life; and any one who then talked of law as something binding on his conscience was assailed with the foulest abuse. Mr. Grimes, just deceased, was a victim of this outburst of mob fury, and Mr. Fessenden's death was certainly hastened by it.

One of the very first acts of the present Administration was to add to the Supreme Court two new judges, chosen avowedly because they were known to hold certain fixed opinions on a matter in litigation between private parties before the court, and with the view and intention of having a judgment already given in that litigation reversed by the aid of their votes. What made the matter all the worse was that that judgment bore hard on certain great corporations whose counsel one of the new judges had been, and that the relief it granted was granted to creditors under contracts which had for several years been deliberately violated. It would be impossible to put into an article in a newspaper all the moral objections there were to this performance. Among the political objections to it were these: that it was directly calculated to destroy the confidence of the country in all subsequent decisions of the court, or, in other words, to destroy the popular respect for the whole of that enormous branch of American jurisprudence which is embodied in judicial decisions; that it was really an interference by the Executive alone—an interference, too, such as royalty in its worst days has never attempted—between private suitors about a matter of property, the President having used his authority to affect the result of the suit almost as directly as if he had sent a military force to prevent the execution of a writ or to intimidate the judges on the bench; finally, that it was a direct and open tampering with the constitution of the Supreme Court, on grounds of *what seemed to the President* public policy, and in preparation for *what he thought* a probable contingency (the necessity

for legal tenders in some other war)—he in fact constituting himself sole judge of the whole matter. The affair roused a good deal of indignation, but the Republican party, as a party, winked at it. We are glad to see that the "Independent Republicans" have taken up this great usurpation in their platform adopted at Jefferson City, and trust that it will not be overlooked at Cincinnati.

A President who had successfully exercised his discretion in this way was hardly likely to be in a modest frame of mind, and was not likely to be filled with a very profound respect for the law or law-givers. But Congress, far from doing anything to bring him back to a healthier and more constitutional view of his duties, then armed him with authority such as has never been bestowed on a constitutional ruler in any age or country, by giving him power to suspend the habeas corpus over half of the Union, whenever in his judgment it should be necessary. The suspension of the habeas corpus, being practically a suspension of the law, is a serious measure, to which resort should only be had in the gravest crises, but certainly the legislature alone should, in a law-abiding country, be competent to say when the crisis had come. At this moment, this unprecedented discretion is lodged in General Grant's hands. He has not abused it, it will be said. Perhaps not; but does anybody suppose it has increased his respect, or the respect of his followers, for the Constitution and the laws?

We shall not comment on the San Domingo movement, high-handed as many of its features were, inasmuch as it was resisted, and successfully resisted, by Congress. But is it surprising, after all this, that when Mr. Boutwell came to place his new loan, and found the provisions of the law under which he was acting inconvenient or objectionable, he should, instead of waiting to have it altered, have totally disregarded it, and have acted on his own discretion in a matter on which the legislature allowed him no discretion whatever? And does anybody seriously suppose that other managers of the public finances, after seeing his disregard of the law unblushingly pronounced wholly blameless by a solid party vote, will be any less scrupulous than he, whether they are as upright and well-meaning or not?

We need not wonder, then, that the War Department, having received permission by resolution to sell damaged arms, should not only go to work to sell as good arms as ever were made, but should actually manufacture ammunition to accompany them. Somebody, in this case—we do not know who it was—only did what the President did in the matter of the legal tenders and the Supreme Court, and what Mr. Boutwell did in the matter of the loan—that is, substitute conclusions of his own as to what was desirable or advantageous, for the will of the nation, as plainly expressed in legislation. General Grant either knew and did not care, or did not know, which is nearly as bad, that a court packed by the President, to render decisions in support of what he considered good policy, was not a thing contemplated by the Constitution or by the American people; and Mr. Boutwell probably knew very well he was breaking the law, but he felt that his judgment was better than that of the law-makers, so he followed his judgment and disregarded theirs.

The disease is one which is running through the country, and has seized on functionaries, both State and Federal, in every direction. As might be expected, it shows itself in its gravest form in financial matters, but it is not confined to financial matters. The judges, the sheriffs, the governors, and the mayors are all exercising their discretion in all sorts of ways for "the good of the people," and letting the statute lie in their drawers. We have had a worse outbreak of the distemper in New York than elsewhere, but the type grows more malignant as time wears on, and it is time something was done to stay the plague. We want "a government of laws, and not of men"—an ancient phrase, associated with many great traditions, but which, in our day, is becoming a mere rhetorical commonplace; and unless we greatly mistake the signs of the times, something will be done before long to give it back its old force and pregnancy. When one sees the outburst of *personal* devotion which a Presidential candidate calls forth, one hardly needs any argument to prove the necessity of curtailing discretion in every direction.

## SOME CIVIL-SERVICE FALLACIES.

ONE of the stock arguments against the civil-service reform is based on the assumed folly of demanding a high grade of intelligence for filling an office the duties of which are a matter of pure routine. The sympathy of the public is continually appealed to by portraying the treatment of some poor John Smith who has applied for an humble office, and is rejected by the examining board because he knows nothing of the history of Greece or the geography of Asia. Notwithstanding the defects of his book-learning, he has proved his abilities to perform all the duties of a copying clerk. He has a mother or a sister depending on him for support, and he has travelled a thousand miles to seek the office. He goes before the board in full confidence of his ability. And, after all, notwithstanding his faultless handwriting, and his accuracy in copying, he is discomfited and sent back home because he cannot tell who Pericles was, or what rivers flow into the Caspian Sea! Whereupon the public is expected to become indignant with the pedagogues who examined him, and to protest against the introduction of any such tests of qualifications for office.

Judging from the frequency with which this picture is presented to the public, we may infer that great numbers of intelligent people really think that poor Smith is hardly used, and that it would be an act of kindness towards applicants for office if Government would not require any qualification beyond ability to perform the duties of the office they were seeking. To see the fallacy of this view, it is only necessary to reflect that John Smith's competitors, one of whom must prove successful, are entitled to as much sympathy as he is, and deserve the office as much as he does. If he does not get the office, some one else must—Brown, for example; and if he (Smith) had succeeded, poor Brown would have failed, and would have been entitled to all the sympathy that Smith now gets, and the system that rejected him would be subject to all the objections denounced against that which rejected Smith. In a competitive examination, the question is not shall Smith be accepted or rejected, but whom shall we accept—Smith, who can do nothing but copy letters, or Brown, who, besides copying as well as Smith, proves his education and general intelligence by telling who Pericles was, and naming the rivers which flow into the Caspian? As only one man can be appointed to a single office, and as all applicants but one must be rejected under the one system as well as another, the question whether the lucky man shall be Smith, Brown, or Jones is one for the Government itself to decide in the way most conducive to its own interests. When politicians invent some way by which every man who wants an office may have it, there will be some cause for complaint that poor John Smith fails to get one, but no sooner.

The same fallacy is frequently couched in the form of a squib, representing the candidate as undergoing examination in all sorts of abstruse subjects. If we analyze these jokes, we find that the man is always supposed to fail, for no one would see anything ridiculous in the appointment of a good scholar merely because he was such. If some politician should find that every clerk and messenger in the State Department could read Laplace, translate from any European language, name all the Roman Emperors, and explain every principle of international law laid down by Grotius or Vattel, and should make this state of things the basis for ridicule and denunciation of the system which allowed men with so much knowledge to be appointed to office, the laughter he might excite would not be entirely sympathetic. But, if these clerkships are really filled, and if no one is "passed" who cannot do all this, the logical consequence is that they are filled by just this class of men.

The next argument in point of frequency is that success in passing an examination is, after all, an imperfect test of ability to perform the duties of a clerk, and that the most brilliant competitor may fail on the test of actual trial. The Civil-Service Commission tacitly admit this when they provide for a period of probation. Glad as they would have been to inaugurate the millennium, it is quite clear that they did not hope to do it. Sensible men will not, however, refuse to move forward because they cannot at once reach

this happy state, but will be satisfied with anything which is a decided improvement on the present. The practical question is not whether the new system is a perfect one, but whether it is better than the old one. We do not ask whether intelligence is an infallible criterion of ability, but which is the better criterion, intelligence or pertinacity? Shall we prefer ability to read French, or ability to lead a dozen Irishmen from their grog-shop to the polls? Since we must take some one on trial, shall we try a young man because he is studious and intelligent, or because he is a particular friend of his member?—because he can describe a steam-engine, or because he can pack a primary meeting? Shall we prefer soundness in arithmetic or political soundness? When the question is put into this its true shape, there are few who will openly declare themselves opposed to the reform. If any proof is wanted that the new system is an improvement on the old one, it is to be found in its results. In organizing the Census Office two years since, the subordinate positions were all filled by competitive examination, and though there was much complaint of the system at the time, we know none who pretend to deny that the work of the office is done more efficiently than before. The same remark would apply to the Patent Office but that it never has been a political machine.

In our illustrations, we have given the politicians the strongest possible ease by supposing the examinations to be of the most scholastic character. In fact, however, far from approaching this extreme, the danger is that the examining boards will so far yield to the clamor of the John Smiths as to err in the opposite direction, by giving too much weight to the commonplace qualifications necessary in the lower grades by which it is expected all will enter, and too little to the wide scholarship, general culture, and scientific training which is necessary worthily to fill the higher grades of positions to which all will be eligible. Viewing the higher education as a mere ornament is one of our prevailing vices of thought, and the fact that it is to the interest of our Government that all who operate its complicated machinery should know as much and understand as well as possible, is very apt to be lost sight of. While we cannot expect to fill our twelve-hundred-dollar clerkships with the greatest men of the age, we do insist that if any youthful Grotius is found to be a candidate, he shall be secured for the position; something which cannot be done without some test which shall distinguish him from the competing crowd.

## FRENCH PROTESTANTISM.

PARIS, February 2, 1872.

POLITICS are only the outward expression of certain deep and inner forces. It is for this reason that when the political aspect of a country is very perplexing, there is some hope of coming nearer the truth in studying its religious life. It must always seem very extraordinary to an Anglo-Saxon witness of French history that Protestantism has ceased to play any part in it. The history of the French Protestants is one of the proofs that might be stronger than right, and that even ideas can be successfully destroyed by the sword. Such a confession is painful; but the Protestant idea has been, I am afraid, completely extinguished in France: not that there are not a few Protestant churches left in it, in Paris, in Nismes, in a few other cities, but they remain, as it were, on the ruins of the old Huguenot Church, like isolated columns testifying the ruin of a temple. There is no life in them; no spirit of propaganda; no real desire to make proselytes. They seem to be satisfied with their isolation; they only wish to be forgotten. The Protestant Church of Paris is very wealthy, being chiefly composed of bankers, most of them of Swiss or Alsatian origin. It has a consistory where the Calvinists and Lutherans meet; for it is one of the curious characteristics of the organization of the Protestant churches in France, that the organic law of Napoleon which rules them seems completely to ignore the fact that there are several confessions of faith. Napoleon found it convenient that the state should pay the ministers of all religions; a Mussulman in Egypt, he was a Catholic in Rome. He decreed that all the Protestants should form a consistory, and have a synod, a sort of small parliament. In Paris, Monod, who was a strong Calvinist, was obliged to meet constantly in the same council Chaperon, who belonged to the broadest Evangelical Church. These two men, who are now dead, were for a long time the two great lights of our small Parisian Protestant Church. Monod was extremely eloquent; he had a nervous style, which reads somewhat

like that of Bossuet (and I could not imagine any higher praise); he had also a depth of conviction, a seriousness, which produced some effect even on his enemies. Coquerel, the father of Athanase Coquerel, who has lately been travelling in the United States, had an easy eloquence; he was very fluent, too rhetorical, and what the French call unctuous. These two men gave for a time some life to the consistory, but as this life was dissension, the Catholic witnesses of the struggle were not much edified by discussions which to them appeared merely a struggle for power. I ought to mention a third name, Martin Paschoud, who, now very old and broken, has been in his time a very remarkable preacher, only his Protestantism drifted by degrees not only towards Unitarianism, but towards a nondescript form of Christianity, which had ceased to have any limits or lineaments. Martin Paschoud undertook to create a "Universal Christian Alliance," into which entered Catholics, Protestants of all shades, Russians, and, if I am not mistaken, Turks. His Christianity, which admitted Renan as well as the French Catholic bishops, was merely a sentimental sort of philanthropy, employing the phraseology of the New Testament instead of that of political economy or of statistics.

Now, without entering into any criticism of M. Martin Paschoud's universal religionism, I confess that I do not see how it can become an instrument of religious reform. Men are so constituted that they will only make great efforts for a very determinate and fixed idea. Monod, narrow and bigoted as he was, made more impression upon the general French mind than Coquerel by his benevolent evangelism, and than Martin Paschoud, who was seen hand-in-hand with infidels and with Catholics. The misfortune of the Protestant Church is that it has always been divided, though it never was really sectarian—by which I mean that there has been no organization of the different parties which divided it. It has had a disturbed and, as it were, indistinct life, without any strong and well-defined organism. See what a curious arrangement the French love of equality has produced. As there are several parties in the consistory, you would have thought, perhaps, that each party had its own churches. Not at all. There is a regular rotation of the ministers from one church to another. Every month a card is printed, which tells you that on such a day the Reverend — will preach at the Oratoire, the next Sunday at the Rue Roqueline, etc. As it is impossible to follow a minister from one place to another, the result is that there is no congregation in the true sense of the word. There can be no communion between a certain number of men and women and an individual whom they have chosen or accepted as their spiritual guide. There is no continuity whatever in the lessons which fall from the pulpit. A more absurd arrangement, one more calculated to pulverize, as it were, religious teaching, and to create in the community a state of indifference, can hardly be imagined. It creates in the Protestant public a sort of torpid equilibrium which nothing can disturb. The church which is no longer inspired by a strong faith becomes more and more worldly and *genteel*. Lately, there has been an effort to separate the Protestant churches from the State. The law, as it still exists, precludes the existence of free churches; and it is only owing to the tolerance of the Government that the free chapel of the Rue Taitbout is allowed to exist. M. de Pressensé is the apostle of the *free* church. He is a very respectable man, with strong convictions, somewhat chimerical in his views, but more preoccupied with politics than with religion. He is a member of the Republican Left in the Chamber, and his duties keep him most of the time in the Chamber.

This predominance of the political passions has gone far to neutralize the most eminent members of the Protestant Church. The government of the church, between the narrow limits which have been marked by the state, is left to a body half clerical and half laic. The most illustrious of these lay members of the consistory is M. Guizot. He is of Nismes, which remains still one of the strongholds of Protestantism and of Calvinistic opinions; but his political passions, which are strongly conservative, have finally brought him over to the defence of the temporal power of the Papacy. In his "Meditations on Religion" you will find that his faith does not live in a sphere superior to the troubled current of politics. General de Chabaud-Latour, who is another member of the consistory, belongs also to the conservative party. He is one of those Protestants who are so afraid of political agitation that they have come to dislike a'se religious agitation. This want of activity, this inertia, this dislike of the popular passions, seems to me the characteristic trait of French Protestantism. It is highly respectable, but cold and distant. Under our so-called Republic, and under the state of siege which has become the normal state of Paris, I know that there is not much liberty of association or of meeting. But what a field would there not be for real apostles in this enormous working population of the French *fatibourgs*, which lives in a state of rebellion against Catholicism! The Communists have shown that they considered the clergy as their great enemy. It would require much courage to meet these pagans of modern civilization, who have no other God

than their animal instincts, and who have been sedulously taught by the Revolutionary writers that the "Declaration of the Rights of Man" of Robespierre was the only gospel in which they ought to believe.

I have often told my Protestant friends that Belleville and Montmartre were the places where they ought to send their missionaries. The Rue des Rosiers, where two old generals were shot, the neighborhood of the prison of La Roquette, are places as shut to Christianity as the wilds of Africa. The Catholic Church has still some hold on these pagans. By the splendor of its ceremonies, by its monuments, by the memories and associations of centuries, it speaks to the imagination of the people even when they profess to hate its priests. But Protestantism is to them an empty word—they do not understand its true meaning. The populace is always engrossed by some show of power, and Protestantism in France cannot make such a show. It could only gain the hearts of the people by great efforts, by persecution; and the tolerance of the state never gives it the halo of misfortune. Among those who have not become indifferent to religious questions there is very little hope of ever bringing to life again the Protestant Lazarus. The long struggles of the wars of religion, Saint Bartholomew, the cruel persecutions of Louis XIV., which in their time were applauded by all cultivated Frenchmen (read Mme. de Sévigné's Letters), the new teachings of the French Revolution, have been successive blows which Protestantism has not resisted. While some thinkers attempt to moralize the Revolution and to establish a sort of deistic rationalism, the rest would be contented with breaking the bonds which unite French Catholicism with Rome, to throw it back into the old channels of Gallicanism, which is a more austere sort of Catholicism, more rational, with a smaller admixture of Mariolatry. But all these attempts seem vain. While Catholicism is becoming daily more ultramontane, and has submitted to the new dogma of the Vatican Council, rationalism is becoming more and more positivist, less and less deistic and ideal. Spiritualism seems defeated in the church and out of the church. The doctrines of the Internationale are the grossest and coarsest expressions of a naked materialism. The Catholic Church has perhaps gained more visible empire; it has worked upon all the instincts and interests which are hostile to the communistic instincts; but it has become more and more pagan, contracted, and sensual. The Roman rites have been everywhere introduced; the old Gallican prayer-books have been in all the seas replaced by the Roman prayer-book.

The religious state of the country explains all its misfortunes. In losing the Huguenot element, the old provincial nobility, which was neither revolted nor submissive, France lost the power of self-control, of self-government. Here and there you meet some remains of the spirit which inspired Henri de Rohan, but how seldom! I remember stopping once in the midst of the Plain of the Beauce, in a solitary mill: on the walls of the mill I saw, to my great surprise, some verses of the Bible. The miller informed me that he was a Huguenot; for generations his family had been living on this solitary spot, far from any minister, from any church. He seemed to me like a phantom of old France of the sixteenth century. Who can wonder if, in a few years, his sons or grandsons become either Catholics or infidels? The misfortunes of France may perhaps bring some moral revolution. We no longer believe in the Revolution as our fathers did. Rousseau, the Vicaire Savoyard, and the school of the rights of man, have lost much of their credit. Let us hope that some day a new spirit will revive the Protestant churches of France, and that our children will not repeat, as we can hopelessly, with Alfred de Musset, "Je suis venu trop tard dans un monde trop vieux."

#### NOTES FROM BERLIN.

BERLIN, Jan. 30, 1872.

THERE are many in the United States who will receive the announcement of the death of Professor Trendelenburg with a sense of personal loss, for he possessed in a remarkable degree the power of transferring his own personality to his pupils and friends. For forty years a lecturer upon philosophy in the University of Berlin—first as *Privat-Dozent*, and, since 1837, as a regular professor—he retained to the last that magnetic influence which marked the opening of his career, and always attracted an eager throng to his lecture-room at the unconscionable hour of seven in the morning in summer and eight in winter. It was not his teaching alone, but his manner, spirit, and character, that gave him this extraordinary popularity through two generations. He was a model of frankness, sincerity, kindness, conscientiousness—of manly, earnest devotion to truth. With him the ethical was the highest end in philosophy and for humanity, and his "Naturrecht auf der Grundlage der Ethik" is, on the whole, the best expression of Trendelenburg both as a philosopher and as a man. He revived the philosophy of Aristotle, but infused into this the spirit of Christian theism. In this work especially—the "Naturrecht"—his very style reflects the purity and noble-

ness of his character. As a teacher, he was more critical than constructive, and he expended his strength upon the analysis of existing systems rather than in the synthesis of a new philosophy—as, for instance, in his "Beiträge zur Geschichte der Philosophie" and his "Logische Untersuchungen." Into such criticism he carried the clear, keen, rigorous method of a mathematical mind. But Trendelenburg had also the elements of a positive system. Against the idealism of Hegel, he maintained that conceptions (*die Begriffe*) are not self-originated, but are the product of contemplation (*Anschauung*)—the inner spiritual vision reproducing the outward, and from this refining its own abstractions. Hence he was wont to say, "Human thought lives by *Anschauung*, and must die of hunger if compelled to feed upon its own entrails."

Unhappily for himself and for us, he overstimulated his own brain with the uninterrupted contemplation of philosophical questions, until, about a year ago, a stroke of apoplexy warned him to prepare for the close of his work. Nevertheless, he persisted in lecturing almost to the day of his death, which took place on Wednesday, January 24, in the seventieth year of his age. As one of his colleagues expressed it, the instrument with which he worked so faithfully, his brain, caused his death. On that very day the journals announced his decoration by the King as a Knight of the Order of Merit, for his eminence in science and art. For twenty-five years he had been the indefatigable and most acceptable Secretary of the Berlin Academy of Science. His funeral took place on Saturday, January 27, at the new chapel of the Dom-Kirche in the Müllerstrasse. This chapel is in a remote suburb of the city, and the weather was unpropitious; yet there was a large gathering of professors, students, and men of position and of science to pay the last tribute to one so universally honored and beloved. An appropriate address was delivered by Professor Kleinert, and several chorals were admirably rendered by a quartette from the *Dom-Chor*.

To pass rather suddenly from philosophy to art, all Berlin is agitated by a new sensation in the opera, in which Lucca was the heroine. Indeed, it was what our royal guest, Prince Arthur of England, who witnessed it, might call "a nice bit of a row." For years Lucca has been the queen of the opera, the favorite of Berlin, the pet of the court—indeed, one might say of courts, since her popularity is even greater at St. Petersburg than at Berlin. But the past season has brought a new star upon the stage in Frau Mallinger, who first in the absence of Lucca began to rise to her place as the favorite singer, and since Lucca's return has challenged comparisons somewhat invidious toward the queen. In short, each prima donna now has her partisans, and the two factions may be likened to those of the Louisiana Legislature in their unscrupulous zeal. Lucca has been accused of *hauteur* toward Mallinger and her retainers, and of dictation and unfairness behind the scenes. Last Friday evening the two rivals, for the first time, appeared upon the stage together. The entrance of Lucca (as *Cherubim*, by the way) was the signal for tumultuous applause, but this was answered by a prolonged hiss—a sound which her ears had never before heard. She exclaimed energetically, "*Ungezogenheiten*"—unmannerly impertinence—and bolted from the stage. The curtain fell, and the house was in an uproar. After a while the curtain rose, and Mallinger was about to sing, when the spunky little *Cherubim* reappeared, stepped energetically to the middle of the stage, and in a clear, loud tone said, "I am conscious of no wrong, and see nothing in what I have done for which to blame myself." Everybody was carried away by her pluck, and the applause was frantic. The opera went on, and at the close of it Lucca's carriage was drawn up before the court entrance to the Opera House—a distinction said never before to have been conferred upon any artist. The affair has resulted in the triumph of Lucca. Both she and Mallinger tendered their resignations to the manager; Mallinger was at once released from her engagement, but Lucca's request was refused; she remains queen of the Berlin stage, and awaits an ovation in the "*Huguenots*." It is reported that she has been offered a hundred thousand dollars for a six-months' engagement in the United States.

Berlin is paying in enhanced prices, in the growth of speculation, and in the general unsettling of society, the penalty of her sudden promotion to an imperial capital. It will be well for her and for Germany if she can avert the perils of that political centralization, with its attendant social demoralization, which has wrought the ruin of Paris and of France. There is no longer a question of cheap living in Berlin: the previous question has been sprung upon every householder—how to live here at all? Rents have advanced in much the same ratio as in New York from 1853 to 1862. Five years ago, I hired in a fine house *Unter den Linden* a spacious parlor facing the street, and two bedrooms, modestly furnished, for 30 thalers a month. Such rooms in that street now command from 100 to 200 thalers monthly, according to the floor or the furniture. A third floor on the Linden, unfur-

nished, which four years ago rented for 700 thalers, now brings 2,400. Of course the rise is greatest in the central part of the city, but it is felt in every quarter. Several of my friends have been compelled to quit homes that were endeared by the associations of years because some outsider had overbid them in rent. Others are obliged to content themselves with half a dwelling (or *Wohnung*, in distinction from a *Haus*) or to rent out one or two rooms of their own scanty lodging. A friend entreated me not to pay the landlord what he demanded for a vacant floor in the same house with herself, because such an advance upon the previous rent would be followed by a levy upon all other tenants in the same building. People of moderate incomes are in mortal terror of being turned out of doors.

One cause of this is the frequency with which real estate changes hands through the spirit of speculation. A house purchased before the war for 40,000 thalers was lately sold for 92,000, and the new owner has since refused 200,000 thalers for it. He has notified the tenants of such an advance of rent that every occupant will perforce quit the house on the 1st of April—the Berlin "moving-day." In another case, a new proprietor hinted at an increase after April. A second-floor tenant, reluctant to pay 300 thalers, proposed to take the upper floor, then assessed at 200. But an artist in possession, wishing to secure his light, at once offered 300 thalers to keep his rooms, whereupon the owner notified the second-floor tenant that 400 thalers would be the rate after April, and every suite of rooms was raised in the same ratio, yielding an increase of 2,000 thalers in the rental of the entire house.

As for spacious and elegant apartments, such as an English or American family would be content to take, or even to look at, these will readily command from 1,000 to 2,000 thalers a year, and even more, according to local advantages. These figures, though quite moderate to the average New York tenant, are enormous for Berlin, which, in respect to business and to private fortunes, is relatively a poor city, and makes this a much dearer residence than London. In such attractive districts of London as Canonbury and Highbury Park, or Herne Hill and Upper Tulse Hill upon the other side, one can obtain a commodious and elegant house, with a garden, or in the vicinity of a park, for from £60 to £70 a year; and the necessities of life are cheaper in London than in Berlin. Here everything has followed the advance of rents; and, to make matters worse, since the 1st of January the new system of weights and measures, uniform throughout Germany, has gone into effect; and though each new weight and measure is smaller than its fellow of the old system, the dealers charge the same rates for the new as for the old; thus mauling the buyer at the rate of about 20 per cent. All housekeepers are grumbling, and the poor are suffering, but there is no redress. The principal hotels have advanced full 40 per cent. upon the rates of five years ago.

Amusements feel this general fever of appreciation. If one would enjoy Ullmann's Artistic Concert, he must pay 2 thalers for a seat; if he would hear Lucca in "*Faust*" or the "*Afrikanerin*," he must pay at the office 3 th. 10 sg. for a place in a box, and 2 th. 5 sg. for a seat in the parquet; and to this must be added from a half-thaler to a thaler for the services of a Dienstmann or Commissionär, or to a speculator for standing two or three hours in the crowd before the ticket-office. This brings the cost of a good opera night up to the Nilsson prices in New York. In short, the world over, one must pay the best prices for the best things. No "International League" can reverse that law.

This rapid advance of prices is not due here, as at Dresden, to the influx of a large colony of English and Americans; for English and American colonists produce hardly a ripple upon that tide of immigration which is rolling in upon Berlin at the rate of 2,000 a week. It is the fact that Berlin is henceforth to be the head of all Germany, that the imperial court is here, that the parliament of United Germany meets here, and has resolved to make this its home by erecting here a national parliament house, and that by consequence capital, trade, wealth, pleasure, fashion, enterprise, adventure, all gravitate to this as their natural centre. There are not houses enough to provide for this sudden expansion of population, and though new districts are being opened on the outskirts of the Thiergarten and beyond the Potsdam Bridge, yet the high price of land and the present cost of building put new houses beyond the reach of persons of moderate incomes. It is upon salaried men and persons of fixed income that this pressure comes most heavily; but it is felt in all domestic arrangements. Men hesitate to marry because of the high rents and the upward tendency of the necessities of life. Many are talking of moving out of the city; but this would change the habits of society, especially in the two interests most dear to a Berliner—his home and his amusements. He could no longer have his mid-day dinner with his family, and he could no longer spend his evenings at the concert, the *Cmodityci*, the opera, or the theatre; and such a revolution would soon be followed by a counter-revolution in favor of hotel-

life in town. Moreover, as yet the railway accommodations are not adapted to suburban life. The railway stations are on the outskirts of the city, and to a German a walk of twenty minutes to the cars seems a serious undertaking; but there is talk of building a common station in the heart of the city.

Old Berliners are complaining of the effect of this enormous growth of population upon the manners and even upon the language of the people. The past three years have witnessed an increase of nearly 150,000, making over 800,000 by the recent census. The native-born inhabitants are already in the minority; and there is reason to fear that in time Berlin will become a city for only the very rich, the very poor, and the speculators and adventurers who prey upon society, and will be the gathering-point for all the worst, as well as the best, political and social elements from the whole German Empire. As yet, however, I have not heard either a republic or women's suffrage proposed as a remedy for this new social economy.

AN AUSWANDERER.

## Correspondence.

### PRESIDENT WOOLSEY AND CONSEQUENTIAL DAMAGES.

TO THE EDITOR OF THE NATION:

SIR: There is, as it appears to me, in the recent article of President Woolsey's in the *Independent*, a fallacy, which, coming from a scholar so eminent and a mind so just, is entitled to what few fallacies are, a refutation. It lies in the following paragraphs:

"Or, to come to the especial difference of opinion between the two Governments, might not the United States say: 'We consent to the English understanding and interpretation; let it rule in regard to the province of the tribunal at Geneva. But, in consistency with that opinion, we shall regard the results of the proceedings of that Board as a full, perfect, and final settlement of the claims (Article XI. of the Treaty) that relate to direct injuries. But the claims we have made, as it respects indirect injuries, are not thereby settled, and we shall reserve them for a more convenient season?' The British Government, then, ought to contemplate, if its interpretation is to prevail, the possibility of a batch of new claims, which were beyond the province, as it maintains, of the existing Court of Arbitration.

"As we have said, if indirect and consequential injuries were not to be submitted to the arbitrators, then the United States did not, by making no mention of them, abandon them, and may resume their claims on this account. This, then, is the dilemma—they were or were not included in the submission. If they were, they must be considered, and Great Britain cannot withdraw from the arbitration or refuse to abide by it. If they were not, why can they not, after a longer or shorter sleep, wake up again?"

The fallacy here may be shown best by illustration.

If I strike a man, he may sue me and claim his direct damages, the doctor's bill, or his "consequential" damages, the indignity, or both. But if I am beyond the jurisdiction of any court in which he can seek redress, so that I cannot be sued without my own consent, I may stipulate that, should I voluntarily appear in a designated tribunal, his demand shall be limited to the direct damages which he has sustained. Should some dispute arise before I thus appear in court as to the construction of the stipulation, I may still refuse to appear, or may agree that its construction be left to the court, or insist that it shall be understood to limit my liability to the direct damages. Assume, now, that I thus insist, and that with this understanding we go to trial, there being, if you choose, declarations and asseverations on his part as to his right to demand, here or hereafter, consequential damages. If he should successfully prove that I struck him, and that his doctor's bill was \$100, and for this amount a verdict should be rendered and judgment entered, the wrong I did him would become merged in the judgment, and the matter in controversy be for ever at an end.

It is the word "claims" in the Treaty whence all the trouble and confusion flow. But it must be understood that this word embraces two distinct things: first, the cause of action; second, the damages, be they direct or consequential, springing therefrom. The fallacy consists in taking a part for the whole—a resultant for the injury—an effect for the cause—in saying that the claims (meaning thereby the causes of action with their consequential damages) survive, when in fact the claims (meaning thereby the causes of action) are dead.

I am aware that the controversies of nations are not in all things governed by the analogies of municipal law, and that the principles of international law must be applied untrammeled by many of its restrictions; but there can be no system of law on earth that will allow a controversy to be prosecuted to judgment, the judgment to be paid, the payment to be accepted, and one of the parties to remain free to revive the controversy because he did not recover all that he demanded. *Interest recipiebat ut sit finis litium* is a maxim applicable to controversies between governments as to controversies between men: and "if there be any one principle of law settled beyond all

question it is this, that whosoever a *cause of action*—in the language of the law—*transit in rem judicatam*, and the judgment thereupon remains in full force and unreversed, the original cause of action is merged and gone for ever." So said the Supreme Court against the United States in a suit where they were plaintiffs (11 Peters' R., p. 100). If we suffer England to atone for injuries inflicted, the atonement blots them out, be it little or much; if the wrongs which we complain of expire in the award of the international tribunal, a future claim for their consequential damages will be but their vexatious ghost.

Respectfully yours,

CHARLES C. NOTT.

WASHINGTON, D. C., February 16, 1872.

## Notes.

A PHILOZOIC essay, by Col. E. B. Hamley, entitled "Our Poor Relations," is announced by J. E. Tilton & Co., of Boston.

—A recent English writer, having spoken of the "foundation" of principles upon which a certain political party is standing, pauses to amend his expression, and says that for the word "foundation" he will substitute a forcible Americanism, "platform," as being better suited to the flimsiness of the structure in question. Like some other "Americanisms," this is not to be called an Americanism at all. For a time in the course of its existence it has been actively used in this country while not used in England; but formerly it was used in England; it is sure of being used there again; and we do not know where is the authority to pronounce it an Americanism and refuse it a place as a recognized English word of good standing and repute. Most probably it came into common use on this side of the water at the time when our New England communities were agitated by theological discussions over various forms of Calvinism—discussions which resulted in "platforms," as the "Plymouth Platform" and the "Saybrook Platform," modelled on the set of propositions so familiar to English as well as American divines under the title of "The Geneva Platform." It is altogether likely that our politicians took the term from the theologians, the church and the politicians being in those days quite as closely connected together as in our time; but had they liked they might have found other than American and theological warrant for its use. Hooker among English Churchmen employed it, and so did Bacon among English politicians; and if our platform-makers had been readers of plays they might have found it in "Sir John Oldcastle," one of the "doubtful" plays of Shakespeare. The conspirators in that tragedy show Sir John a statement of their grievances set forth item by item, which they present to him as "the platform" of the new league. But, in fact, so excellent a metaphor requires no one's authority or defence, and is to be thankfully accepted as a welcome addition to the language wherever spoken.

—A novel mode of emending the text of our English classics with special reference to Shakespeare's text, is described in the *Athenaeum* of January 27, by Mr. William Blades. That a large proportion of the obscure passages are attributable to printers' blunders there can be no doubt; but Mr. Blades confines himself chiefly to such as naturally arose from what the printers call "a foul case"—the *case* being the set of boxes from which the types are picked, and into which they are distributed. Careless distributing is the principal cause of fouling, but this may also arise, since the case is slanted, from the slipping down of type from an over-heaped box above to the next lower. This contingency is the one most relied on by Mr. Blades, who, after explaining it, shows by a diagram the arrangement of "upper case" and "lower case" respectively in Shakespeare's time, indeed, down to the commencement of the present century. Double letters (or logotypes) prevailed much more extensively than at present, and affected the arrangement considerably. The scientific order now employed, for instance, places the *c* at the bottom of the case instead of at the top, as being the letter most used, but the positions formerly assigned *t* and *a* correspond with their importance as the second and third letters of the alphabet. We shall give but a single illustration of Mr. Blades's hypothesis. Premising that, in the lower case, the box for *o* ranged above the *a*, we have only to suppose an *o* to have slipped down among the *a*'s to arrive at the change proposed (*Macbeth*, v. 5):

"Were they not forc'd with those that should be ours,  
We might have met them darefull, beard to beard."

"The word *forced*," says Mr. Blades, "should be read *farced*. . . . The enemy's ranks were not *forced* with Macbeth's [natural] followers, but *farced* or filled up." This, perhaps, is not a favorable specimen of emendation, inasmuch as *forced* for *farced* seems no great stretch of meaning; but it exhibits well enough Mr. Blades's ingenious *modus operandi*.

—For a long period, perhaps from the days of Heminge and Condell themselves, we suppose it has been true of the English stage as of the Continental, that no play of Shakespeare's has been acted without curtailment or alteration. The vast changes which have taken place in the manners and occupations of society; the decline of the theatre in importance, together with the steady improvement in public taste, requiring greater perfection in the mechanical adjuncts of dramatic representation; and, finally, the moral differences between this age and the Elizabethan, have all combined to render Shakespeare unfit for literal performance. Life is now too short, the tax upon the scene-painter and stage-carpenter too severe, and the offences against decency too numerous and too gross, to leave us any choice between tinkering and total neglect. Besides, the fact of a traditional stage version of Shakespeare's plays nigh two centuries old is evidence of defects in them apart from those considered above. Managers, playwrights, and actors have all had a share in this version, which we speak of as a whole as distinguished from the original as a whole, although outside of the same theatre any given play of Shakespeare's may hardly have been twice represented in exactly the same way. The great "stars" have freely cut the text to suit themselves, now to subordinate still more the parts of other actors, and again to heighten, by condensing and unifying, the dramatic effect. That any consistent and scholarly attempt at reducing and adapting to the stage the complete works of Shakespeare has ever been made in our language we are not aware.

—In Germany this attempt is now being made by M. Oechelhäuser, one of the officers and a leading founder of the Shakespeare Society, who has studied devotedly, and with true poetic sympathy, the works of Shakespeare, and in his "Essay on King Richard III," had already sketched the principles which should guide one in a task like the present. These principles he discusses anew in the first of the eight volumes that have thus far appeared. They are, in general terms, that "nothing organic should be changed, nothing essential should be rejected, and of course nothing unnecessarily invented and added." Of the success with which he has observed these conditions, it may be said that it is admirable so far as regards omissions and condensation, and that in the main, too, his own additions, to serve as bridges where the connecting link has been dropped, are satisfactory enough. As the rule, of course, these additions have consisted at most of a verse or two—as little as would suffice. It is only when filling a longer hiatus that the want of genius becomes manifest. This happens notably with the trilogy of Henry VI., where Herr Oechelhäuser condenses, with a great deal of skill, three plays into one, prefacing it with some seventy verses, which explain the situation, in a dialogue between York and Salisbury. The editor intends to adapt all the plays of Shakespeare except *Titus Andronicus*, *Timon of Athens*, *Measure for Measure*, *All's Well that Ends Well*, and *Two Gentlemen of Verona*. Of these it would seem hardest to part with *Measure for Measure*, but, though one of the most enjoyable in the closet, it is unfit for the boards, the plot being such as no audience would endure. The volumes already issued contain *Richard III.*, *As You Like It*, *Hamlet*, *Henry IV.*, *Richard II.*, *Midsummer-Night's Dream*, *King Lear*, and the *Taming of the Shrew*. We venture to suggest to Shakespeare Societies in England and in this country whether the English stage might not, with no great labor, be enabled to profit by Herr Oechelhäuser's labors, and a standard version be thus arrived at which would materially promote a Shakespeare revival.

—The Washington correspondent of the Cincinnati *Commercial* having been commanded by his superior officer to make an article on the statuary and paintings of the Capitol, and having himself no knowledge whatever of the plastic arts in any of their forms, proceeded to consider how he should set about obeying orders. Very soon he beheld himself that he had once had a slight acquaintance with a gentleman whom "no one will deny a place among the eight or ten distinguished American sculptors," and out of him the correspondent resolved to chisel, so to speak, two columns and a half about the art objects of Washington City. Not every man of resources must be a newspaper correspondent, but every newspaper correspondent must be a man of resources, and this correspondent betook himself at once to the Capitol grounds to waylay Dr. Horatio Stone, the sculptor to whom reference has been made, and to make him produce the required matter for the letter. This he succeeded in doing, though not to his entire satisfaction. What he wanted was a spicy article, containing anecdotes about the statues, and telling how much each piece cost; but instead of this, the doctor persisted in discoursing "like a lecture," declining to produce any anecdotes, and referring his young friend to the "appropriation bills" for the "items of prices." It is true, the correspondent admits, that "the presence of the various works which he talked about added greatly to the interest of his conversation"; but still the conversation was, he feels, too much like a lecture. It is borne in upon him, as our fathers used to say in "mee ing," that he must somehow contrive to give

it more of interest for the readers of the *Commercial*. And now, do any of our readers figure him to themselves as casting about for a means of accomplishing this result? Did he beat his brains for ideas, do they imagine, and give himself some trouble to find a way of making the doctor's transcendentalism readable? If any do so figure him, they thereby reveal their own complete ignorance of the newspaper correspondent's habits. Our friend, they may be sure, gave himself no concern on this point, being too practised a fellow of his craft not to know precisely what the occasion called for. He just took his pen and wrote down for the second head of his discourse these three words, in small capitals, HOW HE LOOKS, and then proceeded to give his readers a little of that sub-variety of anthropology in which the correspondents greatly joy themselves, and which consists in giving an impudent detailed description of the nose, bust, front teeth, ears, hair, legs, clothes, under-clothes, ear-trumpet, and "personal appearance" generally, of any officer of the coast survey, sister of charity, metaphysician, acting assistant adjutant-general, senator's wife, senator, philosopher, politician, panel thief, or what not, any of whose acts or remote ancestors may for the moment be undergoing discussion. As to how the victim in this particular case looks, we learn that—

"He looks better than ever. Age has strengthened his face while taking from it none of its softness. His hair was light brown [formerly], which mixes well with gray, and is worn rather long and negligently. His beard is full and long, and streaked plentifully with gray. The same fine, sensitive, nervous, discriminating face remains, and the same head which overruns with poetic genius."

—Dr. Stone, we are told, would not attract a stranger by his appearance, because he is not a person who obtrudes himself on people—a trait of character in which he does not resemble a gentleman whose name our correspondent may learn by calling at this office—but "give him half a chance" and he is a most agreeable companion, and converses very instructively and very freely. We may believe, then, we suppose, that our correspondent's memory failed him in his attempt to carry off the doctor's two columns of conversation in this instance, for it is two columns of matter as to which we can make oath, without perjury and without mental reservation, that it deserves to be memorable even in the history of art-criticism in the District of Columbia, and no one can say more than that. We do not intend quoting any of it, nor saying anything further about it, except to beg our correspondent—and some other people—to give a moment's consideration to one or two prepositions which may almost be pronounced self-evident: Of all the millions of men, there are rarely two on earth at any one time who are able to do perfectly every possible thing within the compass of human power; who perfectly comprehend every field of human activity, and who are competent to talk to their fellow-creatures upon every known topic; most of us, then, may honestly and without shame confess that as to certain subjects we are incompetent to speak, and that beyond peradventure we shall go to our graves before we have acquired the right to talk about them; that among these subjects sculpture and painting are in the cases of a majority of men so certain to be included, that no man until after long observation and study is justified in doing anything else than distrusting his own judgment and consenting to be taught by what long ages have said; that, finally, the conversation of sculptors suspected of being eighteenth-rate or even eighth-rate or even fourth-rate is to be violently suspected as but a bad means of instruction, and indeed worse than worthless. Going back to the business of anthropologizing his subject, our correspondent—who, if he has some of the tricks of his trade, is nevertheless, let us say, a very good correspondent—informs us that hereafter, before he engages in conversation with Parson Newman about himself (the Parson), or with Mullett about fire-proof buildings, or Grant about horses, or Ben. Wade about the conduct of the war, or Thurman about the Constitution, or Professor Hayden about the Yellow Stone country, or Dr. Horatio Stone about art, he'll take care to have a good deal of time on his hands, these gentlemen, apparently, being understood to be prolix when discussing these several topics. We advise him, so far as Dr. Stone is concerned, to have as little time as possible on his hands when next the doctor turns the conversation in the direction of Signor Brumidi, and Colonel Trumbull, and Mr. Greenough's Washington, and the "coats of arms" of the various States, and the architecture of the Federal District.

—Two petitions, asking for a commutation of the sentence of deportation passed on Elisée Reclus (the well-known author of "La Terre," lately reviewed in these columns), on account of his complicity with the Commune, have been signed by the leading men of science in England, and addressed respectively to the Board of Parisons at Versailles and to M. Thiers himself. These appeals, joined to similar ones from members of the French Academy, would seem well-nigh irresistible. There is, perhaps, no excuse for the fatal error into which M. Reclus was betrayed, and his example as a man of learning and of unusual intelligence may deserve the severest penalty

decreed for it, but his previous character powerfully pleads for any mitigation of his sentence consistent with the public welfare. He became a Communist from having long been a socialist by conviction, and yet this destructive alliance was not incompatible with conscientious scruples against eating meat, on the ground that man has no right to kill his fellow-creatures. In private intercourse he was distinguished for warm-heartedness and amiability, and only his social theories could have led him at last into the company of assassins and *pétroleurs*. Elisée Reclus was born in Roussillon, at the foot of the Pyrenees, in 1829, and received his early education at Neuwied, in Rhenish Prussia, and his later at Berlin in 1850, having from the first given proofs of a precocious and powerful intellect. Unlike the majority of his countrymen, he learned foreign languages with facility, speaking German as if it were his native tongue, and being also master of English, Spanish, and Italian. He first attracted the attention of the scientific world by his contributions to the *Revue des Deux Mondes*, which followed a four years' absence from France, two of which were spent in this country, chiefly in Mexico. If a harsh punishment is still deemed necessary for him, simple banishment, while answering all the demands of justice, would preserve for science this eminent disciple.

The number of publications relating to the siege of Paris and the Commune is on the increase in France, though the military history of the second siege, and final overthrow of the Commune, is thus far very meagre. While Bazaine is still uncovicted of treachery in the surrender of Metz, a history of the Mexican expedition is about to appear, in which the Marshal's ability as a soldier will be brought out in a striking manner—as the announcement goes. The narrative will be complete, and of considerable interest, as having been written by a staff-officer to a Minister of War. More agreeable to mention are works which pertain to the moral and political reconstruction of France: in the latter field, "La Réforme électorale en France," by E. Naville; "Du Suffrage universel et de la manière de voter," by H. Taine; "Les Limites du Suffrage universel," by R. Rondelet; in the former, "De l'enseignement des Langues vivantes dans les lycées," by Eugène Baret; "Les Langues vivantes avant et après la guerre," by Henry Montucci; "De l'étude de la Langue allemande dans les établissements publics d'instruction secondaire en France," by J. N. Charles. The two authors last named are professors of the modern languages in the Paris lycées. A renowned explorer of American dead languages, the Abbé Brasseur de Bourbourg, has just published a catalogue raisonné of his private library—"Bibliothèque Mexico-Guatemala, précédée d'un Coup d'œil sur les Études Américaines." This collection embraces 80 manuscript volumes on the languages of Mexico and Central America, 60 grammars and vocabularies, and 80 other historical documents. Among these 20 relate to the Maya language of Yucatan, 25 to the Nahuatl of Mexico, 14 to the Quiché of Guatemala, etc., etc. The catalogue ought to be accessible to every student of the Central American languages; but in this country we fear they might be counted on the fingers of one hand. Of much more general interest is the index which the conductors of the *Revue des Deux Mondes* will shortly publish, and which will include, says the Academy, "notices of the authorship and circumstances under which the more remarkable articles appeared during the forty-two years that the *Revue* has been identified with the best literary workmanship in France."

An ever-interesting episode in modern history, the burning of Moscow, has been called to mind by Count Anatole de Ségrur, whose mother holds a deservedly high place as a charming writer for the young. She was the daughter of the late Count Rostopchin, Governor-General of Moscow in 1812, and it is his life that his grandson has undertaken to write, or rather to compile, from documents preserved in his family ("Vie du Comte Rostopchine"). It is well-known that Rostopchin, after he had become famous, resided for a number of years in France, where he published a pamphlet to exculpate himself from the charge of having ordered the firing of the Russian capital. This disavowal seemed strange to his countrymen, not only because they regarded the destruction of Moscow as a glorious act of patriotism, but because they remembered that in his passage through Germany he had allowed himself to receive extraordinary attentions offered expressly on account of it. They knew, too, that he had fired his own country-house in the suburbs of the city on the approach of the French, and that in the evacuation of Moscow he ordered away all the fire-engines. M. de Ségrur, for his part, admits that Rostopchin thus prepared for the conflagration, but acquits him of having given orders to that effect. The fact was notorious that the burning of the town had been openly declared necessary in case the enemy occupied it, and that Rostopchin had as openly manifested the same disposition. His bulletins and proclamations, however, never alluded to the subject; but, on the contrary, urged the duty and security of defending the city, and apparently in perfect sincerity. Field-Marshal Kutusoff encou-

raged him in this illusion at the same time that he and his generals, with one exception, were unanimous in deciding for the abandonment of Moscow. Rostopchin was, intellectually considered, a man of recognized ability, and it is a pity that his rule at Moscow was tarnished by acts of atrocity at which even the mob revolted when asked to participate. They will be found narrated at pp. 12-19 of Vol. I. of the late Nicholas Turgeneff's "La Russie et les Russes." The burning of Moscow and that of Chicago have naturally been compared. The latter was, of course, a much more terrible event than a premeditated removal with which fire had no necessary connection as a cause. Nevertheless, the number of homeless in the former instance was by far the greater. Out of 300,000 inhabitants of Moscow, only 60,000 awaited the arrival of the French. Turgeneff tells a ludicrous story of the chief of police, who migrated with the rest, and made report to the Emperor in the usual official forms, according to which he wrote: "I have the pleasure of informing your Majesty that the French have occupied Moscow," etc.

—There is abundant evidence to show the settled hostility of the ruling class in China to foreign residents, and to convict officials, high and low, of the most unscrupulous attempts to inflame the ignorant populace against them, either directly or indirectly; and there may be said to have been an unbroken series of mob violence, or excitations to mob violence, ever since the Tien-tsin massacre. It cannot be denied that this state of things affords reasonable ground of alarm to the foreign colonies and to the more or less isolated missionaries—much greater, indeed, than if it were clear that the Imperial Government were planning a crusade of expulsion, instead of merely encouraging resistance to foreign intercourse while keeping within the letter of the treaties. The latest manifestation of this anxiety which has come under our notice is a letter from the Rev. J. V. N. Talmage, at Amoy, written last September, to Gen. Le Gendre, U. S. Consul at that port, and published as a pamphlet at Hongkong: "The Anti-Missionary Movement in South China; more especially in the Amoy District and adjacent localities." The writer endeavors to show that the Chinese opposition to the Christian religion is directed against it chiefly as a foreign religion, and that it affords the Government the readiest means of exciting odium against foreigners in general. This would appear to be the state of the case, since the allegations brought against the missionaries and their doctrines are specimens of the most deliberate and malignant lying conceivable. Nevertheless, precarious as may be the safety of foreign residents, a broad view makes evident a steady progress on their part during the past ten years, and prospect of greater security hereafter. Every factor of Western civilization, however slight, tells against Chinese barbarism and exclusiveness, a patient waiting will show. The coast telegraph already laid will do much both for security and progress, and we observe that the introduction of that recent invention, the road-steamer, to run between Taku and Tien-tsin, is anticipated with rejoicing, as likely to open the way for railroads, for which the country is perfectly adapted. Meantime, the French negotiations which ensued on the Tien-tsin massacre promise to improve the standing not only of foreign residents but of foreign diplomatic representatives in China.

#### MR. LECKY ON IRELAND.\*

THIS volume contains four essays first published anonymously many years ago, and in now reproducing them with an introduction, Mr. Lecky says "he is yielding in part to the request of many friends in Ireland and elsewhere who have been good enough to regret the difficulty of procuring them, and in part also to a feeling that at the present moment their appearance might not be wholly useless or inopportune," and in part, we suppose, he might also have added, to the belief that the growth of the author's reputation will now secure them an amount of attention which, when they first saw the light, they were far from receiving. It would be a great mistake, however, to set them down among "the early efforts" of distinguished men which the enterprise of publishers so often rescues from oblivion, and which are luminous only with a reflected light. They are solid and valuable contributions to the literature of one of the most melancholy subjects of which historian or philosopher is called on to treat, and we doubt much whether anybody who wrote on it many years ago would find now so little to revise in his judgments and so little to regret in his prophecies as Mr. Lecky does. He has written an introduction, too, which contains his latest opinions on the great and apparently hopeless question of Irish discontent, and they are opinions which, even if not very encouraging, are very suggestive, and they deserve the attention of everybody whom Irish discontent is likely to affect—and what corner of the earth have the waters of that bitter fountain not reached?—as those of a class of Irishmen whose voices are now seldom

\* "The Leaders of Public Opinion in Ireland: Swift, Flood, Grattan, O'Connell. By William Edward Hartpole Lecky, M.A." New York: D. Appleton & Co. 1872.

heard on Irish affairs, and whom the insane policy of England has robbed of all influence over their own countrymen, and yet who are probably the only men in existence who look at the Irish question with enough sympathy with the Irish people to understand it, and enough sympathy with the rest of the world to talk rationally about it.

The story he tells in the shape of four essays on the career and character of four great Irishmen—Swift, Flood, Grattan, and O'Connell—is that of the growth and degeneration and, we might almost add, the extinction of public opinion in Ireland. Swift called it into being; Flood fostered and watched over its growth; Grattan made it a power strong enough to secure Irish independence; under O'Connell it achieved its greatest triumph, and then declined rapidly. It can now be hardly said to exist. The ravings of the Fenians and the curses and grumblings of the Ultramontane priesthood are not the voice of a nation.

To understand what it was that these four men accomplished we have to bear in mind the state of things with which they had to deal. We gave a brief account in these columns (No. 276, Oct. 13, 1870), in a review of Mr. Prendergast's "Cromwellian Settlement of Ireland," of the condition of Ireland after the subjugation by Cromwell and the subsequent reconquest by William III. The flower of the Catholic or native population were dead or gone into exile; the best lands were divided among the English settlers, composed in the main of Cromwellian and Williamite soldiers. The Treaty of Limerick, which closed the struggle with James II., stipulated for the religious freedom of the Catholics. It was deliberately and immediately violated as soon as signed, and the "penal code" was passed by the Irish Parliament, composed of English colonists, the English Parliament setting them the example. The English legislation against the Catholics under William was indeed worse than the Irish, many of the most atrocious of the Irish statutes being simply transcripts of the English ones. We hear less of the English persecution simply because the English Catholics were a mere handful, whereas in Ireland they formed the bulk of the population. The first step in this legislation was taken in 1691; the first measure of relief was passed in 1768; but Catholics were not put on a footing of complete equality with Protestants, as regards civil rights, till 1792. During the intervening century, they suffered from disabilities of which Mr. Lecky gives the following excellent summary:

"By this code the Roman Catholics were absolutely excluded from the parliament, from the magistracy, from the corporations, from the bench, and from the bar. They could not vote at parliamentary elections or at vestries. They could not act as constables or sheriffs or jurymen, or serve in the army or navy, or become solicitors, or even hold the positions of gamekeeper or watchman. Schools were established to bring up their children as Protestants; and if they refused to avail themselves of these, they were deliberately consigned to hopeless ignorance, being excluded from the university, and debarred, under crushing penalties, from acting as schoolmasters, as ushers, or as private tutors, or from sending their children abroad to obtain the instruction they were refused at home. They could not marry Protestants; and if such a marriage were celebrated, it was annulled by law, and the priest who officiated might be hung. They could not buy land, or inherit or receive it as a gift from Protestants, or hold life annuities, or leases for more than thirty-one years, or any lease on such terms that the profits of the land exceeded one-third of the rent. If any Catholic leaseholder by his industry so increased his profits that they exceeded this proportion, and did not immediately make a corresponding increase in his payments, any Protestant who gave the information could enter into possession of his farm. If any Catholic had secretly purchased either his old forfeited estate or any other land, any Protestant who informed against him might become the proprietor. The few Catholic landholders who remained were deprived of the right, which all other classes possessed, of bequeathing their lands as they pleased. If their sons continued Catholics, it was divided equally between them. If, however, the eldest son consented to apostatize, the estate was settled upon him, the father from that hour became only a life-tenant, and lost all power of selling, mortgaging, or otherwise disposing of it. If the wife of a Catholic abandoned the religion of her husband, she was immediately free from his control, and the chancellor was empowered to assign to her a certain portion of her husband's property. If any child, however young, professed itself a Protestant, it was at once taken from the father's care, and the chancellor could oblige the father to declare upon oath the value of his property, both real and personal; and could assign for the present maintenance and future portion of the converted child such proportion of that property as the court might decree. No Catholic could be guardian either to his own children or to those of another person; and therefore a Catholic who died while his children were minors had the bitterness of reflecting upon his death-bed that they must pass into the care of Protestants. An annuity of from twenty to forty pounds was provided as a bribe for every priest who wou'd become a Protestant. To convert a Protestant to Catholicism was a capital offence. In every walk of life the Catholic was pursued by persecution or restriction. Except in the linen trade, he could not have more than two apprentices. He could not possess a horse of the value of more than five pounds, and any Protestant, on giving him five pounds, could take his horse. He was compelled to pay double to the militia. He was forbidden, except under particular conditions, to live in Galway or Limerick. In case of war with a Catholic power, the Catholics were obliged to reimburse the damage done by the enemy's privateers. The legislature, it is true, did not venture absolutely to suppress their worship,

but it existed only by a doubtful connivance, stigmatized as if it were a species of licensed prostitution, and subject to conditions which, if they had been enforced, would have rendered its continuance impossible. An old law which prohibited it, and another which enjoined attendance at the Anglican worship, remained unrepealed, and might at any time be revived; and the former was, in fact, enforced during the Scotch rebellion of 1715. The parish priests, who alone were allowed to officiate, were compelled to be registered, and were forbidden to keep curates, or to officiate anywhere except in their own parishes. The chapels might not have bells or steeples. No crosses might be publicly erected. Pilgrimages to the holy wells were forbidden. Not only all monks and friars, but also all Catholic archbishops, bishops, deacons, and other dignitaries, were ordered by a certain day to leave the country; and if after that date they were found in Ireland, they were liable to be first imprisoned and then banished; and if after that banishment they returned to discharge their duty in their dioceses, they were liable to the punishment of death. To facilitate the discovery of offences against the code, two justices of the peace might at any time compel any Catholic of eighteen years of age to declare when and where he last heard mass, what persons were present, and who officiated; and if he refused to give evidence, they might imprison him for twelve months, or until he paid a fine of twenty pounds. Any one who harbored ecclesiastics from beyond the seas was subject to fines which, for the third offence, amounted to the confiscation of all his goods. A graduated scale of rewards was offered for the discovery of Catholic bishops, priests, and schoolmasters; and a resolution of the House of Commons pronounced the prosecuting and informing against Papists 'an honorable service to the government.'

The Protestants, who were all men of English descent, formed about one-fifth of the population, and it might have been supposed that England would have spared no pains to attach them to the mother country, and to make them an instrument for the absorption of the island into the English political and social system, or, in other words, for making it an integral part of the British Empire in fact as well as in law. She did nothing of the kind. On the contrary, they rapidly became, like all the other colonists, objects of jealousy, suspicion, and even persecution. Everything that a depraved ingenuity could suggest was done to alienate them. Not only was their legislature kept in abject dependence on that of Great Britain, but the Irish Protestants were systematically excluded from all the high offices in the gift of the Crown. The lord-lieutenant, chief secretary, and other prominent political officers were always Englishmen. During the whole of the eighteenth century, no Irishman held the archbishopric of Armagh; of the eighteen archbishops of Dublin and Cashel ten were Englishmen. The lord chancellor was nearly always an Englishman, and so were a large proportion of the bishops and judges. The parliament was at the same time controlled by a system of corruption which has no parallel in political history, except Walpole's and Tweed's. It contained 300 members, of whom 216 were returned by rotten boroughs; and of these 200 were returned by 100 individuals, and nearly 50 by ten. One peer returned sixteen members, another fourteen, and these patrons the Government bought up wholesale. The Irish pension list was as large in proportion to the resources of the population from which the money was drawn as that of Louis XV., and it was used partly in debauching the legislature and partly in rewarding English or foreign adventurers or creatures of the Government. The mistresses of George I., and the Queen Dowager of Prussia, and the Sardinian ambassador who negotiated the peace of Paris, were quartered on it, and it was increased at the pleasure of the crown.

But this was not all, or the worst. A deliberate attempt was begun in 1663, and persisted in for more than a century, at the destruction of all Irish industry, and it was an attempt which involved Catholic and Protestant in a common ruin; and when we consider how largely character is the result of hereditary industrial training, it is impossible to doubt that the recklessness and improvidence which had, by the beginning of this century, come to be considered essential traits of the typical Irishman, were the result of this really atrocious legislation. On the restoration of peace and security in 1663, the Irish began to raise cattle and export them on a large scale to England, their only market; an act of the English Parliament of that year prohibited the trade absolutely. In the same year Ireland was excluded from all trade with the English colonies. In 1696, the law was made more stringent by prohibiting all direct importations from the colonies into Ireland—the principal colonies being those of North America, and Ireland being peculiarly well situated for intercourse with them. The Irish then began to raise sheep and go into the wool manufacture. An act was passed in the English Parliament in 1699 forbidding the exportation of Irish woollens to England or any other country. As the manufacture had reached a point of considerable prosperity, this was a frightful infliction and plunged the people in the deepest distress. They then turned their attention to the linen manufacture, which the English Government professed to look on with a favorable eye, and, if they did not encourage it, at least suffered it, but it was not till 1777 that Irish linens were admitted to the colonies, and they were not, even then, admitted to England. There were a great number of minor restrictions placed on Irish industry; to men-

tion only one—the export of glass, of which the Irish began to manufacture the coarser kinds, to England or any other country, was prohibited by special statute.

It was in the midst of this prostration that Swift first roused the sentiment of nationality in the breasts of the Protestant colony, for the Catholics were mere broken-spirited serfs, who aspired to no part in the political life of the country, and were no more thought of as capable of taking part in it in Swift's day than if they had actually been slaves. The first symptoms of resistance to English oppression were shown by a handful of men, not over half a million in all, whose political morals the mother country had done her utmost to ruin, both by pecuniary corruption and exclusion from high office, and by unrestricted indulgence in class tyranny. It is the story of their struggle during fifty not inglorious years that Mr. Lecky traces, and a more instructive story one does not often read. They wrested from Great Britain, between Flood's appearance on the scene in 1759 and the passage of the Act of Union in 1801, the abolition of all legislative restrictions on the commerce and industry of Ireland, the legislative independence of the Irish Parliament, the release of the Irish courts from the control of those of England, the irremovability of the Irish judges. They effected the emancipation of the Catholics from almost all their disabilities, and this voluntarily, heartily, and in the teeth of much English opposition. They produced, in the persons of Flood, Grattan, Burke, Plunket, and Sheridan, orators and statesmen who, either in the Irish or English House of Commons, held positions for which political history may be said to offer no parallel. Two of these orators, Grattan and Burke, have left the only political speeches which anybody now reads for instruction, and which nobody can read without receiving much instruction; and if we have to except Burke's hostility to the French Revolution, and Flood's hostility to the American Revolution, there was no great movement of their day which the world now recognizes as really progressive which did not receive their hearty support. Flood's aberrations on the subject of the American war we may pardon when we find that John Wesley opposed the repeal of the Penal Laws. Flood failed, when transferred to the English House, but failed only through an accident. He got up with the intention of making a few remarks on an Indian question, and the rush of members in front of the lobbies to hear him when they learned that he had risen was so great that he was excited and flattered into attempting a set speech on a subject with which he was not familiar. The result was disappointment which he never got over. But Wraxall's statement, "that the slow, measured, and sententious style of the enunciation which characterized his eloquence, however calculated to excite admiration it might be in the senate of the sister kingdom, appeared to English ears cold, stiff, and deficient in some of the best recommendations to attention," furnishes a curious illustration of the extent of the change which Irish oratory has since undergone.

This remarkable display of fertility in political talent on the part of the Irish Protestants, under extraordinarily unfavorable circumstances, promised the happiest results for the future of the country. But it alarmed England, and the Act of Union was pushed through by the most disgraceful corruption, while complete Catholic emancipation, which the native reformers had been pushing, was indefinitely and perfidiously postponed by Pitt, in deference to the king's bigotry. These things, combined with the growth of a strong anti-Catholic feeling among the Protestants, as the result of the Evangelical movement in the Church of England, gave the national movement a purely sectarian character. The agitation begun by O'Connell had the immense advantage of rousing the self-respect of the Catholics, and achieving complete political equality for them, but it divided the two creeds as they had never been divided, and gave the leadership of the masses wholly into the hands of the priests, and, through this, allied Irish liberalism with reaction on the Continent, and made hostility to England and fidelity to the Pope the two solitary planks in its platform. In the meantime, the educated laity have wholly abandoned the arena of purely Irish politics, and have thrown themselves eagerly into the field which England opens up to their ambition. Irishmen are now carrying off more than their share of the prizes of the civil service, and have invaded the English bar with such success that they have, or had very recently, five of the twelve English judgeships, and a few years ago put a chancellor on the woolsack (Lord Cairnes) to whom none deny the foremost position among English lawyers. Of seven great Indian soldiers and administrators of whom Mr. Kaye has told in his "Lives of Indian Officers," Barnes, Neill, Connolly, Todd, Pottinger, Lawrence, and Nicholson, the last three were Irishmen. In short, the cause of Irish nationality, which Flood and Grattan served so splendidly, has been abandoned by the class from which these great men sprung, and is now served exclusively by the brilliant adventurers who head the Fenian raids. The country has never in its history been materially so prosperous as it is now; its administrative system is admirable, taxation light, the judges pure and able; but the pa-

litical sentiment of the people is thoroughly debauched. What agencies will purify or elevate it, it would be hard to see—probably education, if the priests do not get hold of it. Mr. Lecky is not very sanguine evidently.

#### HOLLAND'S "RECOLLECTIONS OF PAST LIFE."\*

IT would be easy for the reader who knows something of Sir Henry Holland's very remarkable career to expect a great deal more entertainment from this volume than it will afford him. Sir Henry, born in 1788, and now, in 1872, still living, in nearly full possession of his faculties; who, in the course of almost a century of life, has visited every European capital many times, has eight times visited the United States, and four times visited Constantinople and the East; who has made three tours in Algeria, two in Russia, several in Sweden, Norway, Spain, Portugal, Italy, and Ireland; who has sat and told stories with President Lincoln, been the household physician of Queen Caroline, campaigned in the Peninsula with Wellington, visited Napoleon III. at Chislehurst, danced in the same set with King Joachim Murat before Waterloo, and visited Mount Vernon with the Duke of Edinburgh after the impeachment of President Andrew Johnson; who knew Lord Alvanley, and the wits and rakes of the Regency, and who was the friend of Prince Albert, Eneke, Leverrier, Bond, and Arago; who knew Doctor Johnson's Mrs. Piozzi, and has a friendship with Mr. Thurlow Weed and Mr. Evarts; who, in short, knew everybody—Sir Walter Scott, President Buchanan, Sydney Smith, Queen Hortense, Talleyrand, Palmerston, Wordsworth, Praed, Lushington, Macaulay, Lady Holland, Canning, Thiers, Castlereagh, General Meade, Byron, Drouyn de Lhuys, Pozzo di Borgo, Cuvier, Gay-Lussac, Godoy the Prince of Peace, the "Maid of Athens," the Emperor Nicholas, Coleridge, Sismondi, Mrs. Somerville, Jefferson Davis, Whewell, Rogers, Augustus Schlegel, Edward Everett, Poniatowski, Bobus Smith, Ugo Foscolo, Ali Pasha, Mr. Grote, Dumas, Webster, Benjamin Constant—such a man after such an experience of such a length ought to be, and probably is, the depositary of a fund of reminiscence and anecdote such as is not possessed by any other man in existence. Evidently, too, Sir Henry has always been of an eminently social turn, and has had the will, as well as the best opportunities, to enjoy society. Very early in the course of his professional life he determined that he must never allow his work so to engross him as that he should not be able to give two months of each year to travel; and having made this resolution in the interest of health, long life, and the happy exercise of all the powers of his mind, some of which demanded regular travel into strange lands, he made the further resolution, in the interest of social enjoyment, that, during the ten months still remaining to him of his year, his earnings should never amount to more than a certain sum, and the whole of his time should never be mortgaged to his patients. Such being his social disposition and social habits, his abilities as an observer being more than commonly good, and his opportunities of observation unequalled, it is only natural for the reader to expect much, even a vast deal of biographical sketching, having high interest, or, indeed, high value, and an addition nowise contemptible to the store of English and foreign biographical anecdote. Both of the anecdote and of the biographical sketching the volume contains some, but compared with the amount of either that might have been expected by the reader least sanguine of entertainment, there is exceedingly little. But what little there is of either is good enough to make one wish for more. Excellent, for example, is this characterization of Lady Holland—a person who was not exactly such a "vision of delight" as she might have been supposed had history no other account of her than that transmitted by the Reform Bill Whigs. Lord Dudley's account of her has an air of veracity which does not impress one in Lord Macaulay's "orating" about the queenly hostess of Holland House, and we confess sincere gratification with Sir Henry Holland for departing so far from his usual safeness as to "serve out" this uncomfortable lady, who has so long been in the enjoyment of honor and renown. She is decidedly of bad example, especially in these days when women are in open revolt; though, for that matter, it is her own sex that would have made short work with her, we fancy. Here she is:

"The master-hand here was that of the mistress, Lady Holland—a remarkable woman in every way, well-remembered by all who knew her—difficult to describe to those who did not. Supreme in her own mansion and family, she exercised a singular and seemingly capricious tyranny even over guests of the highest rank and position. Capricious it seemed, but there was in reality *intention* in all she did; and this intention was the maintenance of power, which she gained and strenuously used, though not without discretion in fixing its limits. No one knew better when to change her mood, and to soothe by kind and flattering words the provocation she had just given, and was very apt to give. In this latter case, indeed, she was aided by a native generosity of mind which never failed to show itself in kindness where

\* "Recollections of Past Life." By Sir Henry Holland, Bart., M.D., F.R.S., D.C.L., etc., etc. New York: D. Appleton & Co. 1872.

kindness was wanted. In my long and intimate knowledge of Lady Holland, I never knew her desert an old friend, whatever his condition might be. Many things, seemingly wilful and incongruous in her, might be explained through this happier quality of mind blended with that love of power which, fostered by various circumstances, pervaded every part of her life. The influence she exercised was doubtless aided by large general reading, of which she made sedulous and skilful use. Her management of conversation at the dinner-table—sometimes arbitrary and in rude arrest of others, sometimes courteously inviting the subject—furnished a study in itself. Every guest felt her presence, and generally more or less succumbed to it. She was acute in distinguishing between real and false merit, and merciless in her treatment of the latter. Not a woman of wit in words, she had what might well be called consummate practical wit in all her relations to society. Once only, and that very late in life, she spoke to me of the labor she underwent in maintaining the position thus acquired. The information was not necessary. My own observation had already made me well but silently aware of it.

"My personal relations to Holland House, fostered by much previous intercourse in Italy, were of the most agreeable kind from the beginning, and the lapse of time in no way altered them. Despite Lady Holland's imperious rule in all matters of society, I was a guest almost at my own bidding, and often passed the night at this picturesque old mansion, abounding in so many recollections of men and times. My profession doubtless served in some degree to maintain this intimacy. My politics, never much more than neutral, and rather tending to the other side, had certainly nothing to do with it. The political visitors of Holland House were of course almost exclusively of the Whig party; though it was always matter of rejoicing to Lady Holland when she could catch a stray Tory to mingle with them.\* But political party was better leavened by the admixture of literary men and eminent foreigners, who under her invitation found place at this table. Lord Holland himself came to it each day wholly ignorant whom he was to find there; but greeting all alike with his genial smile, and animating all by the charm of his conversation, and by a flow and felicity of anecdote peculiar to himself; the effect heightened by his own enjoyment of it. He sat always at a corner of the dinner-table, to which I doubt whether he ever himself ventured to invite a guest. The writings he has left behind him give no just or adequate idea of Lord Holland's abilities or of his admirable qualities in social life. They present that disparity which is often so strangely marked in faculties seemingly the closest in relation; of which disparity his uncle, Mr. Fox, was himself a remarkable instance. The tongue is often much more eloquent in style than the pen." (Pp. 228-231.)

And, further, in obedience to the precept *audi alteram partem*, and out of consideration for the fact that hero-worship has perhaps done about as much harm to the world as the heroes have done it good, it may be well to quote this about Coleridge, who, beyond doubt, if he had a band of bitter and scurrilous detractors in his own time, had also a band of very fluent and faithful friends whose somewhat partisan laudations of him may probably be none the worse when diluted a little. Sir Henry Holland, who was a man of sense, attainments, and good temper, thus remarks upon the celebrated conversations:

"These brief notices of some of the patients of fifty years' practice might be largely multiplied if made to include literary and scientific men of the time. Taking poets alone into account, I may speak of my relation both as physician and friend to Walter Scott, Wordsworth, Campbell, Moore, Frere, Matthias, Sotheby, Praed, Luttrell, William Spencer, Joanna Baillie, Lady Dacre, etc. With Byron, Southey, Rogers, Crabbe, and Bowles, I was intimate, but not professionally. I saw Coleridge more rarely, and never took a place among the worshippers at his shrine. I recollect him only as an eloquent but intolerable talker; impatient of the speech and opinions of others; very inconsecutive, and putting forth with a plethora of words misty dogmas in theology and metaphysics, partly of German origin, which he never seemed to me to clear up to his own understanding or to that of others. What has come out posthumously of his philosophy has not removed this imputation upon it. I suspect his 'Table Talk,' as we have it in the very agreeable volume bearing this title, to have been sifted as well as abridged by the excellent judgment of the editor." (Pp. 205-206.)

Here is an interesting anecdote of the christening of the planet Neptune, a ceremony of which Sir Henry was a witness. He casually heard of the discovery of the new-comer, and hastened from Bremen to Berlin that he might get a glimpse of it. But the night was a night of floating clouds, and Neptune was invisible:

"Frustrated in this main point, it was some compensation to stay and converse with Encke in his own Observatory, one signalized by so many discoveries—the stillness and darkness of the place broken only by the solemn ticking of the astronomical clock, which, as the unfailing interpreter of the celestial times and motions, has a sort of living existence to the astronomer. Among other things discussed while thus sitting together in a sort of tremulous impatience, was the name to be given to the new planet. Encke told me he had thought of Vulcan, but deemed it right to remit the choice to Leverrier, then supposed the sole indicator of the planet and its place in the heavens—adding that he expected Leverrier's answer by the first post. Not an hour had elapsed before a knock at the door of the Observatory announced the letter expected. Encke read it aloud; and, coming to the passage where Leverrier proposed the name of Neptune, exclaimed, 'So lass den Namen'

\* "Mr. Gifford's wish was a very reasonable one, that they could 'get up a Holland House on the Tory side of the question.' Lady Holland seldom failed in obtaining an object she desired. But this occurred in the case of Lord Dudley, whom she vainly sought to obtain as a guest at Holland House. I rather think there had been some previous quarrel in Italy. But when I once accidentally asked Lord Dudley the reason, I recollect his answer to have been, that 'he did not choose to be tyrannized over while he was eating his dinner.'

*Neptun sein.'* It was a midnight scene not easily to be forgotten." (Pp. 292-293.)

We are quoting rather more than it is fair to quote from a volume no larger than this one, but we cannot forbear laying before our readers a picture which it is to be wished Milton could have seen:

"While speaking on astronomy, I am tempted to notice a spectacle, having a certain association with this science, which I do not remember to have seen recorded either in prose or poetry, though well deserving description in either way. This spectacle requires, however, a combination of circumstances rarely occurring—a perfectly clear Eastern and Western horizon, and an entirely level intervening surface, such as that of the sea or the African desert—the former rendering the illusion, if such it may be called, most complete to the eye. The view I seek to describe embraces the orb of the setting sun, and that of the full moon rising in the East—*bath above the horizon at the same time*. The spectator on the sea between, if he can discard from mental vision the vessel on which he stands, and regard only these two great globes of Heaven and the sea-horizon circling unbroken around him, gains a conception through this spectacle, clearer than any other conjunction can give, of those wonderful relations which it is the triumph of astronomy to disclose. All objects are excluded save the sun, the moon, and our own globe between; but these objects are such in themselves that their very simplicity and paucity of number enhance the sense of the sublime." (Pp. 305-306.)

If these "Recollections" are less readable than they might have been, their author is not without an excuse, which, while it does not indeed fully account for their shortcoming in this respect, does partly account for it, and which is highly honorable to his character. It would appear that he has been the physician of most of the distinguished persons with whom he has been on friendly and intimate terms, and that as regards most of his intercourse with them he would find it troublesome to say to how much of it belongs the character of the intercourse of friends and over how much the veil of professional secrecy should be thrown. Rightly he lays down the professional maxim that the relation of the physician to his patient is a sacred relation, and if he has maintained this rule too strictly, his error is, at all events, an error on the right side, and one which, whatever innocent pleasure a larger construction of the rule might have given us, we shall all be easily able to pardon. This certainly is not the time when we should make haste to condemn even an excessive delicacy about telling to the public all a man knows about his friends and their affairs. Sir Henry's scrupulosity even led him to the extreme of not keeping a journal of any of the ordinary events of the day, lest thus there might creep in some danger of a breach of his professional duty, so that it happened, when he came to compile his memoirs for his children, that he found his memory must be his principal reliance. But he thinks it almost a duty to distrust conversations or speeches reported after long lapse of time, and does not like to ask the reader's credence for stories in any way dubious; so, for this and the other reasons above given, and for the additional reason that he considers himself unskilled in anecdote, the storehouse of his memory does much less than it might to enliven his pages with anecdote.

But the mere spectacle of such a life is of itself necessarily interesting. Its length alone would make it remarkable, but it is the life of a man who, at eighty-four, can say that but for the loss, inevitable as time goes on, of many endeared to him by the ties of family and friendship, he can point to no serious misfortune—in the course of fifty years of practice no ill-health sufficient to prevent his attending to the maladies of others; no unretrievable mistakes, such as many men have to recollect; no reverses in business, such as fall to the lot of most; no wearing labors; no disappointed ambition; full and free intercourse with the wise, the good, the distinguished, and the great; entire and lifelong exemption from pecuniary cares; and, he says in conclusion, "what may well rank higher in the scale of earthly blessings, my children have never been other than a source of satisfaction and happiness to me." The book is one that we can most heartily commend.

Authors.—Titles.	Books of the Week.	Publishers.—Prices.
Arthur (T. S.) Love in High Life, swd.	(T. B. Peterson & Bros.) \$0 50	
Brincké (J. G.) Poems.	(Claxton, Remsen & Haffelington)	
Hayes (I.) The Land of Desolation.	(Harper & Bros.)	
Johnson (C. F.) Lacretus on the Nature of Things.	(De Witt C. Lent & Co.) 2 00	
Littell's Living Age, Vol. CXI.	(Littell & Gay)	
Macquoid (Katharine S.) Party: a Tale, swd.	(Harper & Bros.) 0 50	
Mulock (Miss D. M.) Mistress and Maid.	" " 1 50	
Nichols (Dr. T. L.) How to Live on a Dime and a Half a Day, swd.	(J. S. Redfield) 0 25	
Phelps (Rev. S. D.) Holy Land: Europe and Egypt.	(C. C. Chatfield & Co.) 1 75	
Reading without Tears.	(Harper & Bros.)	
Reynolds (G. W. M.) Caroline of Brunswick: a Tale, swd.	(T. B. Peterson & Bros.)	
Rolfe (W. J.) Shakespeare's King Henry VIII.	(Harpers & Bros.)	
Saeltzer (A.) Acoustics in Connection with Ventilation.	(D. Van Nostrand)	
Saunders (Katherine) The High Mill's: a Tale.	(J. B. Lippincott & Co)	
Schellen (Dr. H.) Spectrum Analysis familiarly Explained.	(Scribner, Welford & Co.)	
Sieg (W. M.) Griseldis: a Drama.	(Tribune & Co.)	
Smith (Rev. W. C.) Pillars in the Temple.	(Carlton & Lanahan)	
Smiles (S.) Character.	(Harper & Bros.)	
Van de Walker (Dr. E.) Detection of Criminal Abortion, swd.	(James Campbell) 0 50	
Wilson (Prof. W. D.) Psychology of Thought and Action.	(Andrus, McChain & Lyons)	

## Fine Arts.

## FIFTH ANNUAL EXHIBITION OF THE WATER-COLOR SOCIETY.

THE present exhibition of the Water-Color Society is an encouraging one. The institution is evidently wide-awake, and its members have not yet learned the art which certain older societies have learned—how to make an annual exhibition of pictures without pictures. Here are drawings in number sufficient to cover the walls of the North Room, the East Room, and nearly half the wall-room of the Corridor, and many of them are of excellent quality. It would have been as well, we think, to have given up the whole Corridor to the drawings, since, by doing so, all of them could have been so hung as to be perfectly seen. It would not then have been necessary to hang any of them above the second row. Not that we have any great fault to find with the way in which the Hanging Committee has done its work. The drawings are on the whole fairly treated. In only one instance do we think there has been anything done that can reasonably be called injustice, and if it happens, as it unfortunately does, that a most deserving artist is the victim, we are sure that it is the result of accident, and that it is only necessary to point it out to have it corrected. We allude to the way in which Miss Margaret McDonald's two drawings are hung. This lady is so exceptionally excellent a workman, and sends so seldom to the exhibition, and sends so little when she sends at all, that we do not like to have her work put where we cannot give it all the study it deserves and get from it all the pleasure it is capable of giving. In the present exhibition she has but two drawings, and, to begin with, they have been changed about, so that it is not easy to find them. No. 474, "Ceræus Speciosissimus," which should hang in the Corridor, is in the East Room, and No. 382, "Wild Flowers," which ought to be in the East Room, is in the Corridor. No. 474 is so brilliant in color and so strongly painted that it is perhaps well enough where it is, but the "Wild Flowers," a small drawing, a pretty subject, and as well painted as anything in the exhibition, is hung out of all reason high, and cannot be seen, much less judged, at all. So with the two drawings by Mr. Henry Farrer, a most earnest, painstaking young artist, which are hung on either side of the smaller of Miss McDonald's. One is a drawing of a peach, the other of a branch of plums, and this is all that can be made out. If they were to be hung at all, plain common-sense would have dictated that they should have been put where their delicacy and careful workmanship could be fairly seen and studied. It is not Mr. Farrer, we presume, who has given the slightly satirical name in the Catalogue to his No. 470, and yet we can hardly think the courtesy belongs at the door of the types. Such jests, however they may serve to relieve the hard work of a Hanging Committee, ought not to be allowed to go further. It is a poor impertinence to fix them in a catalogue.

In the North Room, beginning near the entrance from the Corridor, we find a drawing by Mrs. Carson, No. 197, "Kalmias." There is a good deal of this lady's work in the exhibition, and as, in spite of its entirely unartistic quality, it is not without a certain merit of intention, we think it worth noticing. There is an evident attempt at faithfulness to nature, and an effort to look at her with the artist's own eyes, and these characteristics are something. But, then, this faithfulness is only carried to a certain arbitrary point of completeness. Thus, in No. 197 we have a twig of Kalmia with the flowers and leaves painted, weakly, perhaps, but with considerable care and accuracy; there can be no doubt as to what plant the lady means to show us, nor as to the species either. But here she stops. The twig is lying on some moss-covered rocks which edge a pool of water, but the moss and the little vine that runs through it are not like real moss and a real vine, but rather like what might be dressed out in a window of a seller of artificial flowers to allure those town-ladies who think they love nature. The rocks, too, are not in the least like real rock, nor the water like real water. The artist would see for herself how artificial her drawing is if, for one entire season, she would study out of doors, and strive to copy as literally as possible something that she should see, and if, at the end of her task, which could not fail to be a pleasant one, she would compare the result with the work of to-day. Even in this work, unsatisfactory as we must pronounce it, there is something that indicates the power to be more natural and interesting. But if, for whatever reason, it should not be possible for her to go directly to nature, she can study her at second-hand in the work of Miss L. A. Poë, one of whose drawings, No. 274, "Raspberries," hangs directly over one of her own, No. 298, "Pyrola." This beautiful piece of work is a specimen of the results that may be expected from a faithful study of nature. Another example of Miss Poë's skill is close at hand, No. 281, "Fruit Piece," and certainly very little work of such excellence both in drawing and color has been done thus far in America. Like all good work, it is without pretension, and announces itself in the

quietest of tones. It is evident that the artist has a native refinement which gives her the power to feel the beauty of lines and colors, but this has been strengthened in her by close observation and steady training of eye and hand. The elder Hunt himself, we almost dare to say, never drew nor painted better chestnuts than those in the corner of No. 281. We may remark by the way that those who would like to see more of this lady's work may find it, where we first saw it, at Mr. Schaus's print-shop. He has, or had, several specimens quite as good as either of those which Miss Poë has sent to the exhibition, and also some drawings by two ladies who do not figure at all in the catalogue, Miss Victoria Ely and Miss De Golier, most delicate and skilful workers both, whose drawings would have been welcome in the present exhibition. We do not ourselves care much to see fruits and flowers treated as subjects for drawings or pictures to be framed and hung upon walls. The proper field for such work is the illuminating of books or the decorating of panels in furniture, and it were much to be wished that there were liking enough for such things with our people to make it worth while for Miss Poë, or Miss McDonald, or Miss Fidelia Bridges, or Miss Eddy, or Miss Bigelow, or the other ladies we have mentioned, to devote their charming talent to such work. There used to be opportunity given for such decoration in old times. We have seen old harpsichords in this country which had the panels over the key-board painted very beautifully with flowers, and many of our readers have seen harpsichords in Europe where not only these portions of the instrument, but the whole inside of the cover, is painted in an elaborate manner. As a rule, there is no uglier piece of furniture in our houses than the piano-forte. Every woman of taste wishes that she could be rid of the cumbersome monster, a sort of musical elephant; but if we could set either of these delicate-handed ladies at work at it, we could make a piano of pine wood that should be as pretty to look at when it is silent as delightful to listen to when it is being played upon. Then there is porcelain-painting, too; why will not some of these ladies try their hand at that? We must have such work attempted here some day, but it must come from individual effort, we think, in the beginning. If we wait for the manufacturers, we shall wait long, but any one who will try his or her hand at it will find it profitable.

Mrs. Chaney's work, "Chinese Aster," No. 291, "Pansies and Heliotropes," No. 294, "Wild Flowers," No. 442, is work done by a lady older in practice than those whose drawings we have noticed, but very inferior in all artistic points. This is the pure conventional work, of which we used to have so many examples furnished us by the decorators of prune-boxes and handkerchief-boxes before the makers of those articles began to substitute for these inoffensive suggestions of natural beauty flaunting portraits of brazen women. We are far from meaning to ridicule Mrs. Chaney's work by saying that this is the proper field for it. It is merely decorative, but decorative in a way that must get more out of fashion as people get fonder of nature. To be sure, if a Japanese has even a prune-box or a handkerchief-box to decorate, he is sure to give us something directly from nature, and with the stamp of its authority unmistakably imprinted on it. Mrs. Chaney's work has no such charm. Her flowers are only so near to nature in form as they might be drawn by any one who, in populous city pent, could get no nearer to her than she is brought by French *études* at so much a sheet. In color, they are quite wide of the truth—so dull and dingy that we must be glad the lady had not the making of the real flowers. But, then, we know very well that the "schools" teach her to subdue her tones and to hold brightness in horror. What the "schools" teach has a capital illustration in the East Room, where a drawing by Mr. D. Fowler hangs on the same wall with one by Miss McDonald. Mr. Fowler's "Cactus," No. 381, shows a wholesome fear of making the rash gazer wipe his eye, and has substituted an amiable brick-red for the triumphant scarlet of the flower as nature gives it to us. Miss McDonald, however, loving the scarlet, and desiring to communicate her pleasure, has given it back to us with the fearless force of nature itself. The best advice to be given to a young art-student is that which Mr. Whistler kindly furnished to a beginner: "Don't pay any attention to what the teachers say."

Other good work, on subjects such as we have considered in this article, is shown us by Mr. Charles H. Moore—"Dog-tooth Violet," No. 455. This is Mr. Moore's only contribution, and it is a pity that he could not have sent us more. We are glad, however, to get, in this anticipatory manner, a glimpse of the pretty flower, the nodding harbinger of the spring, that in a few weeks will be found thick-set in every plashy bit of brookside. "Geraniums," No. 143, by Lucy T. Bigelow, is strongly painted—the lady has a good eye for color; and Miss Gabriella F. Eddy's "Mayflower," No. 390, is an excellent study. So, too, are her "Nasturtiums," No. 443. Miss Fidelia Bridges has a drawing of "Daisies and Clover," No. 342, which, though a little unsubstantial, has nature in it, and evidence that her heart as well as her fingers was enlisted in the service of these plain dwellers in the meadow.

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